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Claremont McKenna College

Territorial Twilight Zone: An Analysis of Disputed Domains in the Global Periphery

Submitted to
Professor Jordan Branch

By
Simone Patrice Flournoy

For
Senior Thesis
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Abstract

Disputed territories and territorial disputes alike are frequent fixtures at the core of foreign affairs and international discourse. In a world that seems increasingly interconnected, it is difficult to imagine how anything could escape observation, let alone powerful countries operating outside the scope of international legal bodies' rules and enforcements regarding territorial disputes. Disputed territory within the periphery regions of the world offer nations a unique opportunity to act in complete self-interest and operate in a liminal space largely free from the rigid constructions and norms of the global core. The significant state dynamics and drivers that manifest in these geopolitical situations may help reveal the countries' intentions for the center stage of the global political sphere down the line. This work explores four different environmental areas, the Arctic, maritime zones, land, and outer space, as well as multiple case studies of the periphery impact on disputed territories and why further study of this phenomenon is a valuable tool in effectual foreign policy analysis.

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A colossal amount of gratitude goes to my family for affording me the opportunity of a lifetime that is an education like this; to study at a place like CMC and learn as much as I have in my two years here has been such a privilege. Thank you for always listening when I ramble and rant about what I learned in class, or at least politely nod along (Panga, Rey, and Pilar), reading all of my writing, even when it is poetry (Mom), and challenging me to keep learning about the world, but remember to eat breakfast before anything else (Dad).

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After every Saturday spent in the library, a questionable amount of Led Zeppelin listened to, nearly a year of research, an education that started in Scotland and will end in the Inland Empire, and all that I have learned along the way, this is my senior thesis. Enjoy!

Introduction

Territory is a means of viewing the world comfortably. To see state ownership and associate belongingness with a given possession over an environment is a way to feasibly clarify which pieces of our geopolitical composition fit into their distinct and tangible spots. Adherence to the rules and norms of territory and the involved foreign relations is how we have progressed beyond eras of conquest and exploration, always searching for some corner of the world yet to be defined by the powers at be. However, even after all the history that has unfolded, the world is not absent of these uncharted areas. In actuality, they are far more plentiful and important to better understanding an increasingly dynamic global order than ever. Disputed territories are everywhere, there are hundreds of them mapped and charted in cartographic databases and covered in major news outlets each and every day; the current Russian and Ukrainian conflict occurring presently is in a sense, a war based on disputed territory¹.

In establishing that disputed territories are plentiful, it is also key to point out that certain types of conflicts regarding territory provide more insight than others given the space they exist in, or the way in which they are perceived by the international community at large. Territorial disputes that are not being charted or well covered, the ones that may escape a more traditional conceptualization of what constitutes territory, or even those simply located in distant or obscure areas, these are the state interactions to be observed closely: the disputed territories that reside in the periphery.

¹ Max Galka, "Every Disputed Territory in the World [Interactive Map]," Every Disputed Territory in the World [Interactive Map] (OpenStreetMap, November 20, 2015), <http://metrocosm.com/disputed-territories-map.html>.

The periphery as a conceptual realm for disputed territories to exist rests in this notion of liminality, a transitional or middle state that is ambiguous in its composition and is frequently a place where “established structures are dislocated”². It is more or less a twilight zone of foreign affairs, nothing so out of the ordinary that would attract intentional attention, but states can and will act differently as the typical or core laws, institutions, and norms are marginally present or entirely absent from these spaces. This is extremely useful for states, as without the typical structures and conventions that limit illicit activities in the global core, countries may act in complete self-interest regarding their objectives for power, economic gain, military projection, or any number of geopolitical goals. Without the international organizations and presiding bodies to enforce the laws, because there likely are not any to begin with or the ones that exist are ill-defined, the periphery offers a seemingly idyllic environment for states to behave how they please with regard to a disputed territory.

However, there is a caveat to this seemingly paradisaic loophole in foreign affairs over disputed regions. In order to maintain this periphery status, states must uphold a carefully cooperative nature amongst themselves. This seems incongruous to the point of engaging over a disputed territory, as the objective would likely be for a single state to take over that region for their own goals and plans. Alas, that type of outward conflict is what would pull the disputed territory out of the periphery, into the center of global attention, and thus all the benefits that states might be reaping from these disputed territories, economic, political, or geopolitical, would be lost. Countries must then essentially share the disputed territory in the periphery amongst one

² Maria Mälskoo, “The Challenge of Liminality for International Relations Theory,” *Review of International Studies* 38, no. 2 (2012): pp. 481-494, <https://doi.org/10.1017/s0260210511000829>, 481.

another and afford even rivalling nations a certain share of the resources available so to not forgo the liminal existence.

The periphery provides states the ability to act in their own self-interest, but demands adversarial cooperation to maintain those benefits, creating a uniquely valuable window of perspicacity for state interaction within these disputed territories. Observing how nations and state actors operate in the periphery can help determine the objectives and future actions of the involved nations. Disputed territories in the periphery offer an opportunity for complete self-interest, and the countries involved can feasibly test their ideas and plans, so long as they do not involve sizable conflict, without repercussions. This in turn stands to reveal much more about countries that might otherwise remain black boxes of information, as without prescribed rules, laws, and norms, and so long as they engage without clashing, states can act with an advantageous candor that cannot exist in the global core.

To examine this theory in context, case studies in different environments of peripheral territorial disputes are analyzed to demonstrate this liminality and how it exists in practice. The Arctic, maritime zones such as oceans and seas, land, as well as outer space and celestial bodies serve as different examples of how this phenomenon plays out amongst very different states in entirely unique situations, but the attributes of the periphery and its impact on countries and disputed territory remains constant.

This thesis is rooted in the notion that the frequently overlooked, understudied, essentially periphery regions of the world, and the disputed territories contained within, have immeasurable value in the practice of better understanding and potentially predicting or accounting for international affairs and foreign relations. The liminality of the periphery is such a specific and ephemeral dynamic for states to reside in, and what occurs in that space can offer

insight and a better comprehension as to how the global community interacts currently, and what may unfold in the future.

The Arctic

The Arctic region in geopolitics is a space frequently defined by its inaccessibility or remoteness, and thus how other nations define it within those constraints. This region is plentiful in natural resources, unincorporated, and comprises a massive territory. It is a fluid environment of unsettled boundaries, and a significant example of a peripheral disputed territory in international politics. The Arctic as an anarchic space, one defined by its lack of defining borders, as well as its distant proximity from the center stage of global territorial disputes should render it a region opportune for international infighting amongst the global powers. However, this distant placement and inhospitable nature is exactly what maintains the Arctic's background existence within foreign affairs, leaving the states that do choose to endeavor in attempting to claim the plentiful resources, largely unmonitored.

The absence of "overarching political and legal structures" that would normally "provide for orderly development of the region" means that the duality of the region's distant proximity and the lack of global communal attention leaves room for "dangerous" territorial overreach by certain global powers³. Moreover, the ambiguity of arctic territorial ownership or possession leaves space for global powers to overstep typical territorial norms with various unchecked justifications to support their geopolitical movements and the capture of natural resources, all this being an eventual gateway for militarization.

Just as the Arctic's territorial ambiguity serves to benefit those seeking to take advantage of its periphery status, the act of making it a calculable territory also poses immense challenges to the global community and its bodies like the UN. This would require powerful bodies such as

³ Scott Borgerson. "Arctic Meltdown: The Economic and Security Implications of Global Warming," *Foreign Affairs*, Vol. 87, No. 2 (2008): 78.

Russia, the United States, Canada, or Scandinavian countries to reconcile with the benefits they reap from the Arctic's periphery status in their own utilization of that. The trade-off of bringing periphery areas to the forefront for the sake of stopping a competing global power from utilizing its resources means forsaking these unmonitored benefits for all. This chapter aims to discuss these very actors, those who reside inside the Arctic region and outside of it, all in the context of a theoretical explanation for their actions within this periphery space.

Constructing the Cold

To start, Constructivism's emphasis on the range of intangible and ideational values, as well as the change over time in practices is useful in regarding the vagueness of the Arctic; a region largely absent of any laws, boundaries, or defined ownership. Territorial definitions can be the foundations for the constructions of sovereignty. By characterizing a territory as anything from stable to uncharted or vast to uninhabitable, the terminology used in defining a region is key to states' perceptions and actions toward and on it. With specific mention to the Arctic, states frequently "perpetuate" the assumed ways of "defining and delimiting sovereign jurisdiction"⁴. The sovereignty in the Arctic is reflective of the region's complexity; its materiality that exists as both land and water is indicative of the individual state, and its construction of territorial advancement intention that hinges on how the space is defined. For example, an exploration of shipping routes through the Arctic, like expanding the Northwest Passage, could offer invaluable maritime accessibility and control over the territory, and potential trade and transit accessibility that could prove to be immensely lucrative.

⁴ Hannes Gerhardt et al., "Contested Sovereignty in a Changing Arctic," *Annals of the Association of American Geographers* 100, no. 4 (2010): pp. 992-994, <https://doi.org/10.1080/00045608.2010.500560>.

Constructing the reason for the pursuit of claim over the Arctic is also an important factor in how states define or legitimize their efforts. If the region is viewed as a fixed place or territory, the notion of proximity to it, especially in the case of Canada or Russia, can be used as justification for ownership. Seeing the area as uncharted and static, which is tied to its inhabitable nature and lack of actual land, the cultivation of the Arctic identity as this untouchable region, resigned to the periphery, allows for undisturbed state activities. The most consistent construction is one that is held by the United States, a viewpoint that the Arctic is not technically land, just water and frozen water, thus it is beyond the claim of state territory⁵. In doing this, any flag-planting or claims placed on the Arctic are rendered insignificant or futile, as this construction fails to align with the applicability of territorial claim.

Perhaps the most solid example of Constructivism is the Arctic Council, a specific presiding body over the region that maintains no actual legal authority beyond environmental and sustainable protections. The construction of a legal body that is in actuality symbolic, and limited in its foreign policy related efficacy has ensured that fundamental protections of the environment and the Arctic indigenous people are in place, but any politically related decisions, such as accessibility of the region in terms of territorial expansion, remain undefined⁶. The “ideational dimension” of the Arctic exists in how nations define it, and what tools they use to do so⁷. This formation of discourses and cooperation surrounding the definition of a space like the Arctic is one that is transactional between states and their intentions. The dispute between states

⁵ Pier Horensma, *The Soviet Arctic* (London: Routledge, 1991).

⁶ Hannes Gerhardt et al., “Contested Sovereignty in a Changing Arctic,” *Annals of the Association of American Geographers* 100, no. 4 (2010): pp. 992-1002.

⁷ Jong Kun Choi and Yong-Soo Eun, “What Does International Relations Theory Tell Us About Territorial Disputes and Their Resolution?” *International Politics* 55, no. 2 (March 2017): p. 153, <https://doi.org/10.1057/s41311-017-0074-4>.

in sharing what “ideas or beliefs with respect to each other”, thus where these constructions are “grounded” in, means that discourse on something such as territory is powerful⁸; It can shape not just the behavior of the state, but all states within the given situation.

Constructing the Arctic and engaging in the effort to define it as a territory with rules, laws, and specific procedures when operating in the region must be collaborative. Constructivism conceptualizes institutions as a “collection” of important norms, rules, and routines, rather than a specific structure, so this cooperation would not need to be within an oversight body such as the UN or Arctic Council, but it would need to be a shared action⁹. If not, or if one state or a specific coalition of states acts on behalf of all nations involved, it can foster animosity or the perception that an imbalanced structure is coming to fruition, one that might unfairly serve the states’ interests who set the precedent.

Arctic Actuality

A “liminal environment”, a region that exists outside the normal constructions of what land or territory is thought to be by standard and binary definitions¹⁰. This type of existence within the situation of disputed territory begs state actors to define the space for themselves, which often manifests as self-interestedly. At the same time, this vague existence of a periphery zone facilitates the expectation for other states to act in the same self-interested manner. Countries might also work collaboratively in smaller alliances within the area to potentially enter a structural contract. Any of these avenues run the risk of limiting or destroying the foggy

⁸ Ibid.

⁹ Ibid, 154.

¹⁰ Hannes Gerhardt et al., “Contested Sovereignty in a Changing Arctic,” *Annals of the Association of American Geographers* 100, no. 4 (2010): pp. 996, <https://doi.org/10.1080/00045608.2010.500560>.

sovereignty and its ill-defined rules that benefit all states operating in the liminality of the periphery.

The dynamic existence of the Arctic, the other realms to be discussed in this work, and what the involved states want with a periphery disputed territory is complex and varied; everything from claims of a tangible space for opportunity, utility of trade routes, and environmental protections. Moreover, a literally ever-changing landscape due to climate change will only serve to render what may be currently useful constructions, inapplicable, given the uncertain future of the Arctic itself.

The Arctic is a region that if controlled or definitively positioned to a point of ownership by a certain country offers an immense amount of territorial, thus political, and economic control. There are countries that maintain “near-Arctic state” status such as Canada, Scandinavia, Russia, and the United States, which all hold seats on the Arctic Council thus having definitive control over Arctic governance. There are also nations that may have vested interest in the Arctic and its affairs, but do not fit the “council’s lexicon” of being a near-Arctic state: countries like China, India, South Korea, and Singapore are afforded observer status¹¹. The designation of a near-Arctic state over observer demonstrates the role of proximity in claiming territorial ownership over the Arctic.

The Council itself as mentioned previously does not maintain significant control nor imparts specific legislation, but the power held by the status of being designated a near-Arctic state implies legitimacy of actions in the region. Proximity to the Arctic is a key attribute to have in fulfilling the construction of what a near-Arctic state should be, even in the periphery, and

¹¹ Reuters Staff, “U.S. Rejects Interference by Non-Arctic Countries in Polar Region: Official,” Reuters (Thomson Reuters, May 2, 2019), <https://www.reuters.com/article/us-usa-pompeo-arctic-idUSKCN1S8299>.

since a country's physical location is not something feasibly changed, it proves challenging for those without governing status in the Arctic Council to exert any actions in the region that will not attract unwanted spectatorship from the global core.

Because the Arctic maintains this distant proximity from mainstream global affairs, it is in the best interest of countries who aim to operate there to maintain the least amount of international attention as possible. China is one of the central states hindered by this construction of being outside the states seen as legitimate actors in the region, and thus faces the paradox of asserting why it is justified in operating there without drawing unneeded scrutiny to the Arctic and its periphery existence.

Tactical Observation

China's position on what kind of territory the Arctic is, is not necessarily at the forefront of their perspective on and interest for the region, instead it is viewed as simply a space for "competition"¹². Their pursuit of power in the Arctic is hindered by their status of observer instead of near-Arctic state, yet that goes almost entirely unmentioned in the country's public facing documents. This is likely an intentional act, as cultivating an "identity" as a near-Arctic state when the Arctic Council's construction of what an near-Arctic state is remains complicated and vague¹³. China's motivations in the region are largely focused on expanding their military prowess and making use of the plentiful resources in the territory, but outwardly maintaining a supportive position that aligns with the key goals of the Arctic Council, such as environmental

¹² Rush Doshi, Alexis Dale-Huang, and Gaoqi Zhang, "Northern Expedition: China's Arctic Activities and Ambitions," Brookings (Brookings, August 20, 2021), <https://www.brookings.edu/research/northern-expedition-chinas-arctic-activities-and-ambitions/>.

¹³ Ibid.

protections, is of high importance. The use of Chinese naval vessels on goodwill visits to countries on the Council such as Sweden and Finland, the investment in indigenously produced icebreakers, as well as the ten research expeditions sent in recent years have put forth the presentation of a scientifically focused military profile in the region¹⁴. These actions move to expand China's operational experience in the Arctic, and a visible commitment to the ideas and communality of the Council could be a means of achieving greater regional access.

Even if these efforts do help China's case for legitimacy within the region, it still does not change the fact that China does not share coastline with the Arctic and cannot feasibly claim legitimacy through proximity. This being one of, if not the key component to what makes a state's position on the Arctic Council legitimate, China's route of infrastructural investments is seemingly an attempt at a close approximation. In pursuing projects that seem to have marginal economic benefit, such as the purchasing of land in Iceland and Norway's Svalbard archipelago, as well as the venture to purchase defunct naval bases scattered across Scandinavian territory, China can slowly establish itself regionally and continue to foster this trust with key arctic actors. The work to translate Beijing's desire for recognition as an arctic actor, thus more access to the region, mechanisms of sharing scientific resources, investing, and aligning with the proposed goals of the Council help to build an arctic identity. China's activities in the Arctic serve in bolstering a territorial narrative by showing that the state while not "near-Arctic" in location, is already within the region and operational, creating its own unique peripheral "polar identity"¹⁵.

¹⁴ Ibid.

¹⁵ Mia M. Bennett, "How China Sees the Arctic: Reading between Extraregional and Intra-regional Narratives," *Geopolitics* 20, no. 3 (2015): p. 655, <https://doi.org/10.1080/14650045.2015.1017757>.

In using China as a case study to exemplify the challenges of operating within a liminal periphery territory such as the Arctic, one of the core attributes needed in acting and eventually claiming the space is fulfilling attributes of a state given legitimacy by a governing body and upheld in construction of the peripheral environment. In this instance, proximity to the Arctic along with alignment in the Arctic Council's goals is paramount, and while China could at least engage in actions that seemingly fit the environmental and scientific objectives, its location as a country is permanent. However, the strategic investment in particularly former military properties throughout the Scandinavian region speak to the long-term goals the country has. China's actions demonstrate a loophole of sorts in the importance of proximity to a periphery region regarding laying claim to legitimate operations there. Further, an observer status on the Arctic council may have been a constructed obstacle for China in achieving its own arctic goals, but in actuality, it has found a feasible way to operate from a distance and still reap a certain amount of the periphery benefits of the Arctic.

Connivance Diplomacy

The coveted position of being considered a near-Arctic state, thus having legitimacy in operating within the Arctic, is something that states can use to their benefit in the already anarchic region. Countries on the Arctic Council possess not only locality to the Arctic, but their activities in the region do not draw initial global attention because they are already occupying the space to begin with. Moreover, the Arctic in its periphery status as a disputed territory attracts limited global attention, despite the plentiful resources and global power at stake depending on if and when a state attempts to take control.

The states on the Arctic Council have it in their best interest to characterize the council itself as a "multiplicity of in-between positions" so to enable the countries to "negotiate and

exploit ambivalent spaces”¹⁶. Because of the freedom that states like Russia, or the United States have within an ill-defined, periphery region, compiled with the loosely constructed authority of the Arctic Council, an exclusive environment where geopolitical agendas can be advanced, mostly undisturbed, is created. This creation of a “connivance diplomacy” facilitates an almost oligarchical structure of near-Arctic states who decide how to define the Arctic amongst themselves, and for the rest of the global audience¹⁷. The notion of connivance is evident in the affordance of power that these states wield in the Arctic without the typical, center-stage display of power that is normally seen with territorial disputes. The subtle, yet impactful enforcements such as designating proximal hierarchy in arctic political endeavors are even more significant because of the self-governing nature of the periphery. The lack of attention on the Arctic from the global community save for those operating within it or living directly near it allows for such an unusual display of careful cooperation and strategy from typically extrinsically adversarial states such as the United States and Russia. However, this is not to say that burgeoning power struggles do not exist in the Arctic, they just take on a different, more individually driven form, largely seen with the inside actors, the near-Arctic States: the council members.

Russian Repercussions

Regarding proximity in the Arctic, the states given permission to act and have a say in any kind of policy or tangible changes to the region are those that reside “inside”. The countries with positions on the Arctic Council have a strategic advantage in defining their place, purpose, and intentions in the Arctic region. A country like Russia has enormous, vested interest in the

¹⁶ Nikolas Sellheim, Yulia V. Zaika, and Ilan Kelman, *Arctic Triumph: Northern Innovation and Persistence* (Cham, Switzerland: Springer, 2019).174.

¹⁷ Ibid, 169.

region, with the economic promise of the natural resources and vast maritime control any form of ownership might bring, it is expected that Russia is active in the region. There is a significant history with Russia's presence in the Arctic though, one that shapes how proximity and the periphery play an important factor in its actions and decisions.

Russia's dynamic in the arctic was a colonial endeavor, the exploration of the region dating back into the eighteenth and nineteenth centuries showed that flagging, mapping, and charting the Arctic were activities done in tandem with the "development of imperial trading networks, administrative apparatuses, and regime development"¹⁸. This historical connection to the region along with the colonialist constructed identity of exploration thus ownership, Russia's actions and presence in the Arctic carries the weight of not just the largest state, but the most legitimized in its own viewpoint.

The importance of the Arctic in geopolitics is its position in the periphery of the global stage and in the theoretical perception of disputed territories. The remoteness from the central happenings in global affairs is what makes it an idyllic region for states to create their own rules, and act in self-interest with limited and ill-defined legislation. However, Russia serves as a case study for how quickly this kind of unique environment afforded by its residence in the periphery can be removed by a show of force. In 2007, a Russian oceanographic expedition resulted in research and scientific materials that the country submitted to the UN Commission on the Limits of the Continental Shelf as a means for asking and likely expecting permission to extend their "sovereign rights to exploit resources" on and below the seabed but presented as seeking approval for further scientific exploration¹⁹.

¹⁸ Nikolas Sellheim, Yulia V. Zaika, and Ilan Kelman, *Arctic Triumph: Northern Innovation and Persistence* (Cham, Switzerland: Springer, 2019). 166.

¹⁹ Ibid, 170.

To move forward with approvals in this region, a state simply needs a “recommendation” as a legal judgement, and when the Commission was unable to issue the grant pertinent to the situation, a request for further research to be done was made. However, Russia instead went ahead with their expedition via submarine, and publicly displayed their national flag on the seabed²⁰. All of this fostered a situation where Russia saw an opportunity for laying claim to a very large scale of underwater disputed territory, as well as challenge vague periphery ruling body, and thus engaged in “flag-planting” or claiming the territory, openly, to be Russian²¹.

This incident was one of the few that grabbed global attention and directed it toward the Arctic, showing the liminality of a periphery status, and demonstrating how an inside state, even within a periphery environment, can disturb the careful balance should it seek too much power. Moreover, the flag-planting connects back to Russia’s construction of its place in the Arctic, and why that self-interested view of rightful ownership harkening back to its colonial and imperial pursuits, can prove problematic in the future. The Russian flag-planting episode demonstrated that regardless of the political, financial, or legal “provenance” of something like a research mission, which was ultimately what the nation was pursuing a “recommendation” for, can unleash geopolitical fears over a region normally thought to be unimportant due to its periphery existence²².

While something as antiquated as a literal flag-planting seems inconsequential, its echo of early, almost feudal encounters in the pursuit of geographical power, and the international reaction and attention brought attention to the Arctic that had not been there previously is

²⁰ Guy Faulconbridge, “Russian Sub Plants Flag under North Pole,” Reuters (Thomson Reuters, August 2, 2007), <https://www.reuters.com/article/idINIndia-28784420070802>.

²¹ Ibid, 171.

²² Nikolas Sellheim, Yulia V. Zaika, and Ilan Kelman, *Arctic Triumph: Northern Innovation and Persistence* (Cham, Switzerland: Springer, 2019). 171.

significant. Essentially the existence of a “thinly governed space” is dependent on the state actors within that environment refraining from open and outright movements toward territorial claim, instead operating without firm constructions of shared territorial possession²³.

Whether the Russian flag-planting was a reconstructed memory of their past arctic imperialist adventures or an intentional activity, it demonstrates the larger qualm at the center of periphery regions and those who operate within them. With greater numbers of states wanting to join the Arctic Council, or even those seeking observer status, the larger the group of countries operating within a periphery area will diminish the benefits that come with that space. Russia’s claim of ownership directed global attention on the region, and whether the hope was for the world to view Russia as the rightful owner or just to dissuade others from attempting their own form of flag-planting, it demonstrated that the liminality of the periphery and its promise can be diminished by a single powerful state attempting a takeover.

The activities within a periphery region in accordance with the lack of oversight and normal foreign policy constraints can only function with group benefit if the members of that cooperative refrain from attention-grabbing activities such as conflict. Russia possesses a large amount of control in this dynamic because of its territorial expanse, as it does expand over the most area in the Arctic, and the above-mentioned self-perceived rightfulness to be claim the Arctic as its own due to historical presence and pursuits; within these constructions Russia is the dominant regional state. With this status both intrinsically and extrinsically comes responsibility and power, which may be wielded for individual gain or group benefit. With geopolitical relationships existing outside the Arctic potentially influencing how states operate within it, it would be unsurprising if Russia or other insiders engaged in similar flag-planting styled actions.

²³ Ibid

North by North America

The United States has often been viewed as a “reluctant Arctic actor”; certainly, a powerful state with a seat at the Arctic Council in addition to having a keen interest in the environmental and economic concerns and potentials of the region²⁴. Over various presidencies, American focus on the Arctic has shifted from fossil fuel collection to environmental protections, but has largely stayed distanced from the rest of U.S. foreign policy even with the recent Head of the Arctic Council tenure.

A periphery territory benefits those who reside or operate within it by lacking certain structures of a more central environment. The attention of the global community toward disputed territories is usually due to the breaking of laws or norms amongst states vying for said territory in the form of conflict. More than that, the creation of a narrative around a disputed territory, the framing of it, is a key element in how the territory itself is viewed and regulated, or not.

Regarding the United States, framing theory plays a central role in how America views the Arctic and its role there²⁵. To define framing theory, it is the outlook regarding how best to position or portray a situation in international politics to bring about an intended outcome²⁶. Through framing theory, a state, such as the United States, has the capacity to frame its role within the Arctic, or other nations’ capacities, legitimacies, or intentions. More importantly, America’s use of evaluative framing in structuring the reference point to which the external

²⁴ Annika E. Nilsson, “The United States and the Making of an Arctic Nation,” *Polar Record* 54, no. 2 (May 23, 2018): p. 95.

²⁵ *Ibid.*

²⁶ Alex Mintz and Steven B. Redd, “Framing Effects in International Relations,” *Synthese* 135, no. 2 (May 2003): pp. 193-195.

environment, the Arctic, is compared, the use of stronger areas of interest for U.S. purpose in the Arctic, such as conflict and strategy, or development and competitiveness, are realized²⁷.

Cooperation in such a loosely defined region like the Arctic is not necessarily in line with the United States and its typically realism-oriented strategies, but the shaping of American purpose in the Arctic by the country itself helps clarify a role. Thus, framing theory is applicable to all the Arctic states discussed thus far. With China attempting to define its place as an operational outside state, Russia enmeshing historical imperialist identity with its modern-day global great power in tempting a declared ownership of the region, and the United States looking for driver to define its strategy and purpose, a periphery territory and the absence of typical laws and norms forces states to construct their own in a way.

The utilization of framing theory to construct America's purpose thus role in the Arctic is seen in the careful composing of their actions for the state itself. By viewing arctic leadership as a "supremacy game", one that requires "winning or losing" and "displays of power" or simply as a "decision-making" and "virtue-ethics" driven superpower, the U.S. is able to maintain its disinterested presence in the region as well as its role as a superpower with insider status²⁸. Climate change created a new frame for U.S. power in the Arctic post-1996 creation of the Arctic Climate Impact Assessment (ACIA). This formal diplomatic body on such a specific issue meant that this periphery environment now had a defining challenge for all states operating within the region to contend with. Moreover, climate change could and would force the Arctic into a very public area for the global community to view. Additionally, the impacts on the

²⁷ Annika E. Nilsson, "The United States and the Making of an Arctic Nation," *Polar Record* 54, no. 2 (May 23, 2018): p. 104.

²⁸ *Ibid*, 96.

livelihoods of indigenous peoples as well as the scientific warnings were not to be ignored and would force specific diplomatic action and discussions in the region in the late 1990's²⁹.

Climate Change and Coherency

The recognition of climate change and its detrimental impacts by the United States in specific is significant because it forced the creation of the constructed insider and outsider identity, with pointed mention to how the states within the Arctic viewed themselves and one another. This construction surrounding a universal issue that recognized the role of increasing human activity in the Arctic, a growing awareness of the fragility yet opportunity of the Arctic itself, as well as establishing the ongoing work of the Arctic Council, meant that policy goals did not necessarily shift, but were re-framed. With the necessity for positive cooperation rather than enfranchisement and transformation of the Arctic Council, the U.S. lead the way in fostering collaboration between the insider states of the Arctic. In strengthening their communal view of legitimacy and power in the region as well as fostering a commitment to maintaining the Arctic's periphery status and distance from the global limelight, the directive to not formalize the Arctic arrangement was solidified³⁰.

The importance of a shared political or policy outlook, especially in periphery disputed territories, is integral to ensuring that the states operating within such liminal environments maintain an ordered relationship so to not attract the attention of the global community. In the Arctic, the "coherence" of policies depends on the commonality of objectives and ideas held by a given group of states, and in doing that, the policies of the Arctic Council, such as designating

²⁹ Ibid, 100-101.

³⁰ Ibid, 101.

which states are Near-Arctic or Insider, and which are not, helps establish policy coherence³¹. Policymaking and state actions in a periphery environment are driven not by formal or classical structures and regulations, but by communality and a mutual understanding between states of their abilities and limitations so to maintain the unrestricted constructed environment. The American political empowerment in the Arctic, sustained by its insider status and thus power in the region, helps direct this coherency and afford a careful balance between normally adversarial states, such as Russia, to maintain the self-interest driven benefits found periphery environments like the Arctic³².

The main obstacle for upholding this coherency lays in the outside forces impacting the Arctic, the key example being climate change. As mentioned previously, the Arctic as an environment is framed as an untouchable and stagnant area, but with the global warming induced physical changes, countries will be forced to establish their goals and policy decisions more concretely, in addition to contending with the likely global attention to the area.

The drastic change of the defining features of the Arctic, the frozen landscape, and international concern of global climate politics has the capacity to force the Arctic out of its periphery existence, which by proxy forces the Arctic states and their actions into the spotlight as well. American political actions in the Arctic since the late 90's have been increasingly shaped by climate change and the respective administrative outlook on climate science or skepticism. The greatest challenge lies ahead in the difficult navigation of the tension between environmental

³¹ Peter J. May et al., "Policy Coherence and Component-Driven Policymaking: Arctic Policy in Canada and the United States," *Policy Studies Journal* 33, no. 1 (2005): p. 40, <https://doi.org/10.1111/j.1541-0072.2005.00091.x>.

³² Ibid, 41.

protection and the desire to capture economic opportunities, all within the context of not being the first state to violate the coherency amongst arctic states, but also not to be the last³³.

Overarchingly, the United States' role in the Arctic has evolved substantially over time. From reluctance to a helm of leadership, America has had to grapple with a largely disinterested polity, but the global political significance and opportunity that a presence and role in arctic affairs presents, compiled with the nuance of operating within a periphery environment. The most notable shift came in the post-90's salience of climate change for the entire global community, and the Arctic being a tangible and large-scale example of detrimental ecological actions and the results. The United States framing of its role in the context of the Arctic somewhere between economic development and security inclined competitiveness to a conscious environmental nation shows the flip side of a periphery and liminal environment³⁴. From the volatility of America's position on climate preservation to the pursuit of hydrocarbon resources no matter the environmental costs means that the politicized nature of the issue will force the country and its actions in the Arctic to change over time. However, with the additional layer of leadership and power structures within the Arctic and Arctic council, the United States will have to factor in how its "policy priorities" fit into that framework and the norms of the group coherency in a periphery environment or risk an international feud with powerful adversaries³⁵.

³³ Annika E. Nilsson, "The United States and the Making of an Arctic Nation," *Polar Record* 54, no. 2 (May 23, 2018): p. 103.

³⁴ Ibid.

³⁵ Ibid 105.

Scandinavian Security

Although the Arctic is a periphery territory for even those countries considered to be insider states sharing some borders with the region, Nordic countries like Finland, Norway, and Sweden share extremely close and significant regional borders with the Arctic, nestled proximally to the massive expanse of Russian territory. The consideration of national defense married with the current and upcoming environmental shifts that climate change will likely bring out plays an important role for these Nordic countries in defining their place and identity in the Arctic community. The “investments” in military infrastructure in the Arctic surprisingly come from these three Nordic nations, and this depicts a fundamental security concern in constructing Scandinavia’s military capacity in the Arctic space³⁶.

Regarding Russia’s previously mentioned intentions of re-establishing itself as a “military power at large” in the Arctic, the states that are closest geographically, Finland, Norway, and Sweden, have become compelled to define their spaces and collective presences by national security and defense as seen through development and investment in military infrastructure³⁷. Because the northern border of these three nations is extremely close with the Arctic thus subject to the geographical changes it is facing through climate change and to any geopolitical shifts, their reactions to what occurs in this environment can be telling for the rest of the players in the periphery region. American, Canadian, and even outsider countries such as China have their own interests and concerns in operating in the Arctic, but Russia’s growth in arctic troops or flyovers have little direct, visible, and tangible consequence to any nations other

³⁶ Andreas Østhagen, “The Arctic Security Region: Misconceptions and Contradictions,” *Polar Geography* 44, no. 1 (February 2021): pp. 62-63
<https://doi.org/10.1080/1088937x.2021.1881645>.

³⁷ *Ibid*, 62.

than the Nordic three³⁸. This demonstrates that the dynamics between Finland, Norway, and Sweden and Russia can offer insight to the other arctic states, and despite the expansive and liminal nature of the Arctic, security interests and perceptions are better understood and visible in periphery zones.

Because a periphery region like the Arctic has shifting and ill-defined borders and territory markers, Nordic countries rely on self-definition with respect to their actions and political decisions in the Arctic. Using Norway as a case study, one-third of Norway's territory and 80% of its maritime zones are found within its own definition of the Arctic region, the "High North"³⁹. Additionally, Svalbard, an Archipelago that is part of Norway, hosts the northernmost populated area and in terms of specific proximity to the Arctic, making Norway the closest of all near-Arctic states. Although there is no dispute over the ownership of Svalbard, the status of it within maritime zones and laws have forced Norway to establish an "exclusive economic zone" in and around the coast of the area, including the islands, the waters, and the continental shelf below to be Norwegian territory⁴⁰.

Norway has historically been a strong supporter of multilateralism and cooperative solutions in foreign policy yet finds itself subject to the fluctuating nature of periphery environments, forcing it to act outside the norms it usually subscribes to, hence why these periphery regions are important to observe and offer insight as to how countries might act in self-interest and candor regarding geopolitical intentions⁴¹. Norway's asymmetric relationship with Russia and outward affiliation with the U.S. and its European allies as a reaction to its own

³⁸ Ibid, 63.

³⁹ Andreas Østhagen, "Norway's Arctic Policy: Still High North, Low Tension?" *The Polar Journal* 11, no. 1 (February 2021): p. 77, <https://doi.org/10.1080/2154896x.2021.1911043>.

⁴⁰ Ibid, 79.

⁴¹ Ibid, 77.

definition of how its arctic territory occupancy concerns its national security furthers the necessity of balance in political and policy-making dealings by states to sustain the periphery benefits in the Arctic.

Security dynamics in the Arctic are difficult not just for states that normally resign themselves from securitization and militaristic policies, such as these Nordic nations, but especially because one of the key elements to maintain periphery status is to minimize activities that garner the attention of main-stage global politics. The Arctic is as vast as it is remote, and its existence as a periphery territory has resulted in the conceptualization of the region as a “sheltered...security” zone⁴². The regionalism in the Arctic with respect to security offers insight on why states such as Norway and Russia are more concerned with other states’ actions within the Arctic zone, rather than the securitization of the Arctic itself. The security concerns shrink with perceived distances, which is likely the reason Russia’s activities are not the tangible threat to America or Canada that they are to the Nordic countries.

Even despite technological advancements and globalization making distance less pertinent when it comes to conflict, the physical space of the Arctic and proximal existences is champion when it comes to state self-definition and action⁴³. This is to say that beyond the lack of regional boundaries and specific delineations that a state itself proclaims, security in the Arctic is a construction of each individual state’s self-perception and given physical distances between arctic insiders. If a region is subject to change with forces like climate change or lacking clear territorial lines and ownership, the securitization of a region in response or anticipation of another country’s pursuits to raise the dispute to conflict is a self-interested measure.

⁴² Andreas Østhagen, “The Arctic Security Region: Misconceptions and Contradictions,” *Polar Geography* 44, no. 1 (February 2021): p. 67.

⁴³ Ibid.

In a periphery region that is out of international political focus and largely undefined by international constructs, the states reaping the benefits from this dynamic are inclined to operate with a careful balance self-interest and preservation, yet with respect to making decisions, especially in attention-grabbing mediums like militarization and conflict, that remain insular and independent of the territory itself. This connects to the coherency of the Arctic states in understanding how a periphery region must be maneuvered with precision. The “characterization of regional order and institutions” so to not formalize or communalize the area beyond what is necessary, but to foster an Arctic with political coherency for the actors within it is potentially a means to a “security region” but not a “security community”⁴⁴. In doing this, nations like Norway may pursue policies like “High North, low tension” that affords them the necessary feeling of securitization with respect to their Russian neighbor, while still maintaining and emblemizing cooperative measures and norms to uphold the Arctic periphery⁴⁵.

An Arctic Future

In looking at these case studies of the Arctic, a periphery region, and how the nations existing within the space interact, it is evident that the fluidity and lack of specific structure fundamentally changes how countries conduct foreign relations in these types of disputed territories. These key elements missing, such as attention from global powers and legislative bodies in addition to the normal bureaucratic fixtures of international law, have fostered an environment where states act in a careful balance of self-interest as well as mutual coherency at protecting the benefits reaped from such an anarchic region.

⁴⁴ Ibid, 69.

⁴⁵ Andreas Østhagen, “Norway’s Arctic Policy: Still High North, Low Tension?” *The Polar Journal* 11, no. 1 (February 2021): p. 87, <https://doi.org/10.1080/2154896x.2021.1911043>.

The actions of both outside and inside nations also demonstrates how within these liminal areas, framing, and the construction of group understandings to keep this careful equilibrium is extremely important to avoid drawing international attention to a region like the Arctic. However, with external forces such as climate change and the prospect of future economic venture, periphery regions like the Arctic can become vulnerable despite this intentional ambiguity that makes these regions such valuable microcosms of observation on states and their true geopolitical intentions. The future in the Arctic has promise to become a site of invaluable resources, territorial expansion, and eventual securitization or militarization for the countries residing within the disputed territory, but only if those states choose to forgo the current, temperamental, yet mutually adhered-to norms they have seemingly accepted. This is the simultaneous benefit and downside for geopolitics within a periphery and liminal area such as the Arctic; in establishing the few structures to help preserve a space unincumbered by norms, every state must hold itself accountable, or the entire arrangement could fall apart.

Maritime Zones

Maritime space and the dynamic between states and their ownership of areas such as oceans, seas, and any other communal body of water, is something that has risen to relevance unsurprisingly in tandem with globalization. The 20th century legalization of maritime domain fundamentally shifted how countries viewed and acted regarding possession and the capacity to operate and exist within these regions. The conceptualization and construction of boundaries, states' rights, and responsibilities regarding oceans and seas is a nuanced practice, as physical or tangible dividing elements of territory do not exist within the ocean. Thus, it is in the hands of states and their actors to create agreements or settle disputes in such a liminal environment.

Countries have viewed and engaged in efforts to control maritime space since the 15th century, the use of the ocean in “exploration, dominance, and industrialization” effectively transformed the way countries interacted and how our global society took shape⁴⁶. But the expansion of legislation in the space in addition to boundary creation, the growth in seaborne trade, and an explosion in demand, human interactions with maritime zones are increasingly “intense and complex”⁴⁷.

Oceans and seas, while expansive and largely uninhabited in the ways that land traditionally is, are defined by that very intangibility and vagueness in their physical existences. States are inclined to possess, use, or claim these regions in a similar fashion to land, as the ownership of territory in any capacity affords security and opportunity.

⁴⁶ Andreas Østhagen, “Maritime Boundary Disputes: What Are They and Why Do They Matter?” *Marine Policy* 120 (October 2020): p. 104118, <https://doi.org/10.1016/j.marpol.2020.104118>, 1.

⁴⁷ *Ibid*, 2.

The process of “othering” with regard to oceans and seas suggests that countries view maritime zones as “divided” from the rest of the world and more tangible forms of territory, creating a different view of unity and geopolitical presence⁴⁸. Through this construction of the ocean as possessing an “imaginary nature”, and as a space where power could not be occupied in permanence as on land, but instead conveyed across, maritime zones and what constitutes the periphery within them is slightly different with regard to disputed territories⁴⁹. Using the Spratly Islands in the South China Sea, and the Black Sea areas of the Kerch Strait and the Sea of Azov, this chapter aims to show how the use of specific maritime zones with regard to the construction of their periphery status is significant in larger state decisions and actions reaching far beyond the possession of an ocean or a sea and its contents.

Law of the Sea

There are principles and guidelines laid out by global governing bodies, such as the United Nations Convention on the Law of the Sea, which provide baselines on drawing maritime boundaries, dividing up territories, and establishing exclusive economic zones and claimable nautical miles. However, this does not account for how states might “practically” engage with one another regarding boundary disputes, providing a way to circumvent legal bodies like the International Court of Justice or the United Nations, and instead find a mutual solution after bilateral negotiations⁵⁰.

⁴⁸ Philip E. Steinberg, *The Social Construction of the Ocean* (Cambridge, UK : Cambridge University Press, 2001), 37.

⁴⁹ Ibid, 38.

⁵⁰ Andreas Østhagen, “Maritime Boundary Disputes: What Are They and Why Do They Matter?” *Marine Policy* 120 (October 2020): p. 104118, <https://doi.org/10.1016/j.marpol.2020.104118>, 1, 5.

International law provides the framework for disputed territory, but determination of limits and capacity on a contentious subject like geopolitics implies that a more informal and transaction-based negotiation could be preferable for states given the evolving status of oceans and seas depending on factors like resources, sanctions, and even climate change. Moreover, maritime space and territorial disputes are anything but static, and that is only amplified in the periphery.

The construction of oceans and seas, especially in the periphery, pressures countries to assess the strategic value of defining ocean territories, particularly given that the concept of “occupation”, or a stagnant and tangible presence as a state can have on land, does not hold the same relevance in the “maritime domain”⁵¹. This is not to say that maritime law and legislation of maritime zones is not powerful and a method of constructing to how states view oceans, just that oceans and seas that exist in the periphery are more aptly and strategically defined by those who utilize the lack of preexisting legislative guardrails and norms to operate with self-interest in these specific areas.

Constructing the Water

The lack of agency that maritime spaces are endowed with, mostly due to the aforementioned absence of physical occupancy in said spaces, places them in the periphery as a form of territory to begin with. Oceans and seas are constructed as environmental bodies that are a means to an end, rather than a specific and stagnant piece of land, which would fit a more

⁵¹ Andreas Østhagen, “Maritime Boundary Disputes: What Are They and Why Do They Matter?” *Marine Policy* 120 (October 2020): p. 104118, <https://doi.org/10.1016/j.marpol.2020.104118>, 6.

traditional construction of territory⁵². However, maritime zones have been a medium for the projection of power, and a platform for states to display their strengths throughout history. Whether it be in wartime or as a dominant force in global trade, oceans, and seas act as an environment for states to stage their encounters and disputes, but the vastness and uninhabitable element prohibits maritime zones from occupying the same central place in international relations as other forms of territory, unless they are constructed to fulfill that foremost role in global affairs.

To understand oceans and seas in a constructivist view, it is important to examine how nations might consider these environments with respect to their given intentions in those spaces. Maritime zones in this theoretical viewpoint are “socially constituted political spaces”, and how they are considered by states and given institutions can guide how those actors will “foster patterns of practices and rules”⁵³. Moreover, these patterns can indicate what states actual objectives are in utilizing an environment like the ocean, and how they might intend to use that space for their own personal goals in security, trade, or territorial expansion. The construction of power enacted within maritime spaces is further amplified by the vagueness of territorial definitions in certain, periphery ocean spaces. To engage with another state in any capacity within the maritime arena thus forms a collective building of “political order” created by the states in a given situation, meaning that no one state can exercise a “determinative control” in an ill-defined environment⁵⁴.

⁵² Marcelo M Valença and Daniel Elder Duarte, “A Constructivist Approach to Maritime Spaces,” *E-International Relations* (E-International Relations, September 11, 2021), <https://www.e-ir.info/2021/09/11/a-constructivist-approach-to-maritime-spaces/>.

⁵³ *Ibid.*

⁵⁴ Christian Bueger and Timothy Edmunds, “Beyond Seablindness: A New Agenda for Maritime Security Studies,” *International Affairs* 93, no. 6 (November 2017): pp. 1293-1311, <https://doi.org/10.1093/ia/iix174>, 1299.

While rules and norms have been established to some degree in documents like the United Nations Convention on the Law of the Sea (UNCLOS), maritime spaces are still ruled by no particular agent or force, instead by association and the group legitimization or delegitimization of initiatives according to the perception of states' actions and the consequences. The liberty of "navigation and freedom" in oceans and seas has enabled great powers to exert influence in the space, and in utilizing the vastness and adaptableness of maritime zones to operate politically in ways that more structured forms of disputed territory would not allow for⁵⁵. Moreover, the construction of an ocean or a sea will influence how it might be perceived in terms of centrality or a periphery residence. Should a given region of the sea be conceptualized with dividing lines in the realm of security, or perceived threats and naval developments, then that region will occupy a more centralized space of attention in foreign affairs, regardless of how remote that part of the ocean is with respect to the nations invested in the conflict⁵⁶.

By contrast, should a maritime zone be utilized or controlled more advantageously if it were to be kept out of the global center of attention, the liminality of oceans and seas can be helpful in circumventing the standing legislation and structures from international law. The transitionally and shared sovereignty of maritime zones in the periphery can lend itself to the expansive ways states might choose to construct the ocean for their own interests and pursuits⁵⁷.

⁵⁵ Marcelo M Valença and Daniel Elder Duarte, "A Constructivist Approach to Maritime Spaces," E-International Relations (E-International Relations, September 11, 2021), <https://www.e-ir.info/2021/09/11/a-constructivist-approach-to-maritime-spaces/>.

⁵⁶ Basil Germond, "The Geopolitical Dimension of Maritime Security," *Marine Policy* 54 (2015): pp. 137-142, <https://doi.org/10.1016/j.marpol.2014.12.013>, 139.

⁵⁷ Christian Bueger and Timothy Edmunds, "Beyond Seablindness: A New Agenda for Maritime Security Studies," *International Affairs* 93, no. 6 (November 2017): pp. 1293-1311, <https://doi.org/10.1093/ia/iix174>, 1303.

What makes the periphery regions of the ocean so telling of states truest intentions is the deconstruction or reconstruction of that seemingly necessary and quintessential cooperative nature of maritime zones into one that is in actuality, entirely self-interested. In looking at the Spratly Islands within the South China Sea, this idea of conceiving a maritime zone and all that is within it in such a way that a seemingly central area has the benefits of periphery status, is crucial to understanding state intentions and power dynamics for the disputed territory.

Power Vacuum

The South China Sea was at one point, a maritime region that emblemized how a cooperative viewpoint on a disputed territory can be undermined if the power dynamic shifts within said agreement. The American exit from the South China Sea and its respective foreign policy debates and decisions left a gaping hole in the role of a presiding force amongst the Asian nations that exist in and around the ocean territory.

The reliance on the United States from nations like Vietnam, Malaysia, Taiwan, and the Philippines, to have such formidable military might to keep China at bay, fundamentally shifted how the region was viewed from that point forward. The technical sophistication of the American military when it was a controlling presence in the region during the 1980's and 90's was one of the main, unspoken, but universally recognized elements to keep a cooperative existence in the South China Sea, and without it, a massive power vacuum needed to be filled, and China was eager to do just that⁵⁸. The new hierarchical arrangement that emerged in the wake of the United States leaving the region, and the political conflict that has unfolded since

⁵⁸ Ross Marlay, "China, the Philippines, and the Spratly Islands," *Asian Affairs: An American Review* 23, no. 4 (1997): pp. 195-210, <https://doi.org/10.1080/00927678.1997.10771160>, 198.

then, is precisely what is prompting the more recent and less attended to territorial dispute playing out in the South China Sea: the Spratly Islands.

Ill-Defined Islands

Although the South China Sea is seemingly not a periphery territory, especially considering the central role within global politics that the region has risen to, and the attention from the international community at large it has received in more recent years. It is instead the varied oceanic geographical features, including but not limited to islands, reefs, cays, atolls, shoals, sand banks, and man-made islands, that are less discussed. This constructed periphery, that indicates remoteness in terms of lack of international attention, fits the disputed territory of the Spratly Islands. These islands and the entirety of the South China Sea have immense power attached to a hypothetical ownership of the maritime zone by one nation. Whether it be the amount of shipping traffic that flows through the region, or the plentiful natural gas and 11 billion barrels of oil reserves, seizing control in any capacity would give a country both territorial and economic prowess that would subjugate all other nations in the area to this state.

The utility of these islands is varied, but not to be underestimated. The oil and gas deposits and maritime territorial control are obvious, but other elements that again, reside on the periphery of international attention, are pivotal. The military and securitization of the region and any land or oceanic masses would give fortified control to a country like China over its neighboring countries, who have since been building up their own militaries in response⁵⁹. The militarization of these islands is not something that necessarily needs to take form in warships

⁵⁹ Ross Marlay, "China, the Philippines, and the Spratly Islands," *Asian Affairs: An American Review* 23, no. 4 (1997): pp. 195-210, <https://doi.org/10.1080/00927678.1997.10771160>, 201.

and landing strips, although it may eventually escalate to that point. The simple claim of ownership over a disputed territory provides enough material for a state seeking power to get started on securitizing the area. Essentially, in order for a country to establish sovereignty over an island, that nation must establish “title” to the islands, and except in the case of “inhospitable territory”, must protect that title through use⁶⁰.

A hegemony of Chinese control in the region would come at a great cost to the neighboring nations, and that paradigm shift of power depends on the construction and definition of the sea itself, and the numerous small land masses within. At the same time, the theme of cooperative control or shared use of a given disputed territory is a powerful measure that can allow states to utilize a space with respect to one another, while still letting it remain ill-defined. Should other countries in the region choose to work together in any number of ways to curb China’s takeover and continue to construct the region by their own definitions, that may challenge Beijing’s sweeping efforts at complete ownership of the sea and everything within it.

All for One or One for All

The vested interest in maintaining the South China Sea, and specifically, the Spratly archipelagos as a disputed territory lies with every country except for China in the region. The time of affording this valuable environment a contested and disputed title evaporated the moment that China began laying claim to the sea and its contents. This destroyed the cooperative existence of all the states with regard to the maritime zone that existed previously. It also forced the countries to either advocate for their own rightful possession, sovereignty, and logical basis

⁶⁰ David Whitting, “The Spratly Islands Dispute and the Law of the Sea,” *Denver Journal of International Law & Policy* 26, no. 5 (1998): pp. 897-915, 900.

for their ownership, for the sake of their own security, or allow China to take charge with a potential promise that military repercussions might not befall them due to their compliance.

The nature of these island-specific disputes within the sea is beneficial to keep on the international discourse periphery because it has the capacity to draw American attention with the militarization of the region. Thus, it could be strategic of the states wanting to claim ownership of any of the islands to raise this debate to a global stage and involve international legislative bodies so to disrupt China's forward movement.

One of the key elements of claiming territory is the notion of history. Vietnam as an example has over 500 years of chronicled history in the South China Sea, detailing the state's dealings and ownership of the Paracel and Spratly archipelagos, all maintained through books, maps, and documents from their records and those of other nations, including China⁶¹. The idea of "continuity of sovereignty" for Vietnam over these islands is something frequently expressed in justifying the state's rightfulness to claim the territory as theirs and connects to the importance of construction when defining sovereignty within disputed territory⁶².

The Philippines have taken the position of geographic proximity legitimizing their ownership, with the Kalayaan group of islands falling within the 200m Exclusive Economic Zone, rendering nine features of the Spratly archipelago to be Philippine territory under Articles 55-75 of the UNCLOS⁶³. The utilization of the legal framework that does exist surrounding oceanic territories is another means of bolstering ownership and takes the tactic of pushing a

⁶¹ Karen A. Mingst, Katsuhiko Mori, and Jerry Pitzl, in *Teaching International Affairs with Cases: Cross-National Perspectives* (Boulder, CO: Westview Press, 1997), pp. 100-115, 114.

⁶² Ibid.

⁶³ Monjur Hasan and He Jian, "Spratly Islands Dispute in the South China Sea: Potential Solutions," *Journal of East Asia and International Law* 12, no. 1 (31, 2019): pp. 145-168, <https://doi.org/10.14330/jeail.2019.12.1.08>, 154.

periphery region to the global center stage by involving a legal body. Malaysia has followed a similar path, instead demonstrating the country's continental shelf and EEZ extending into the southernmost part of the Spratly Island area, given Articles 76-85 of UNCLOS, positions the areas under Malaysian possession by law. The blend of geographic and legal constructions to aid in legitimizing claims to disputed territories affords nations such as the Philippines and Malaysia a safeguard in the global purview due to the concrete interpretations of those assertions.

Taiwan approaches this situation differently, likely due to the pre-existing tumultuous relationship with China. Although the Taiwanese government has "repeatedly" declared that the islands within the South China Sea are part of its territory and the country will take "decisive action" to "improve" the nation's maritime rights, it advocates for "multilateral negotiations" amongst the countries disputing the islands and maritime zone⁶⁴. This proposal of "setting aside differences" and "enhancing development cooperation" as a means of negotiating to achieve a solution within peaceful and safe parameters for the region does not have the same realism-oriented perspective that other neighboring countries maintain in such a burgeoning conflictual situation⁶⁵.

The dynamic between China and Taiwan cannot be disregarded in influencing Taiwan's perspective so distinctly absent of a sovereignty driven intent, but the connection to the cooperative outlook on the sea and its islands that once was, is noteworthy due to its efficacy in recent history. Taiwan's take on the Spratly Islands echoes of pragmatism and diplomacy that

⁶⁴ Sakharina, In Karita, Farida Patittingi, Ahwal Hidayat, Zulkifli Aspan, Hamzah Halim, Muh Hasrul, Kadarudin, and Ahsan Yunus. "Taiwan's Sovereignty and its Position to the South China Sea Dispute Under the International Law." *Journal of Legal, Ethical and Regulatory Issues* 24, (2021): 1-14, 10.

⁶⁵ Ibid.

defy the typical routes taken regarding disputed territory, however, this is the periphery⁶⁶. This liminal environment prompts states to instead provide a solution that has promise to maintain the utility for all nations, but requires a careful and mutual defining of the disputed maritime zone and all its geographic contents.

Out of the Periphery

Due to the growing tension surrounding ownership of the Spratly Islands, it is unlikely that the maritime territories will be feasibly in the global periphery for much longer. The growth in China's presence in the South China Sea as well as its assertion of ownership compiled with its Naval power fosters a hostile environment for the states and actors vying for claim. The recent calls for American intervention or presence in the region as a combatant force against China has created an increase in international attention on the issue, notably when the US State Department issued a report declaring one of the core elements to China's claim of ownership, "historical rights" to be "meaningless"⁶⁷.

The rejection of a historical construction in claiming territory asserts that legal structures are the most defining tool used when settling territorial disputes in the center of world political affairs. Moreover, China's creation of new land within the Spratly Islands through dredging and artificial island building was also cited in the report, which stressed that any defining of the maritime zone's legal status must be assessed based on "natural state"⁶⁸.

⁶⁶ Ibid, 11.

⁶⁷ Robert Delaney and Owen Churchill, "US Report Dismisses Beijing's Claim to South China Sea 'Historical Rights'," South China Morning Post, January 13, 2022, <https://www.scmp.com/news/china/diplomacy/article/3163180/new-us-report-dismisses-beijings-claim-south-china-sea>.

⁶⁸ Robert Delaney and Owen Churchill, "US Report Dismisses Beijing's Claim to South China Sea 'Historical Rights'," South China Morning Post, January 13, 2022,

In moving the Spratly Island debate out of the periphery and into the mainstream discussion that includes the waters that houses the islands, the South China Sea, it is evident that the valuable ability for states to construct the legitimacy of their claim of ownership and possession outside of legal structures will be eroded. The international community calling for the US to weigh in on the dispute harkens to the time in history when an American presence did exist in the maritime zone and aided in keeping any disputes at bay. While this shift may reduce the flexibility of the states to define or assert their ownership given the confines of international law, oceans and seas remain bodies of territory that are challenging to define.

The breakdown of a cooperative nature in the South China Sea regarding the Spratly Islands surely pushed the debate out of the periphery but leaves the numerous arguments extending from the concerned countries in the area about their respective claims for ownership. Moreover, the power of the periphery is the ability for states to act with self-interest, even undiplomatically, because of the lack of attention from international bodies that might require certain norms to be followed.

China made a gamble to an extent in trying to take-over the Spratly Islands in a drawn-out show of force and will not have to adhere to the structures at the center of international affairs. This was an instance of the deconstruction of cooperatively disputed periphery territory. The alternative example, guising a self-interested foreign policy agenda as a reconstruction of periphery territory within a communal space, is what encompasses Russia's intentions in the Black Sea region.

<https://www.scmp.com/news/china/diplomacy/article/3163180/new-us-report-dismisses-beijings-claim-south-china-sea>.

Beyond the Black Sea

Maritime zones can host a plethora of valuable attributes, from trading ports to geographic security provisions and energy resources to transportation. A region containing all these attributes, like the Black Sea, is incredibly important to all those who operate in and around it, as well as those who depend on the maritime zone and what it provides. However, periphery zones within this area stay mainly below the EU's radar, despite the much larger implications should any states that use this sea decide to forcibly take control of the many ports or shift points of border delineations.

The Black Sea serves as an “important junction” between Europe and Asia, and as both continents “interconnect more closely” for trade and economic purposes, the territory has become increasingly contentious for the powerful nations residing in the region who may want to control it⁶⁹. Russia's construction of the Black Sea is one built off of “centuries-old...confrontation” with Europe and a “geopolitical rivalry”⁷⁰. In today's context, the Black Sea is a point of territorial control and strategy for Russia. As an international water bordered by countries like Georgia, Turkey, and Ukraine, the maritime zone is integral to the “geoeconomics strategy” or emboldening and projecting of Russian power and influence beyond Eastern Europe

⁶⁹ Tomer Barak, Yörük Işık, and Dimitar Bechev, “Europe Has a Vested Interest in a Safe, Secure, and Prosperous Black Sea,” Middle East Institute, January 25, 2022, <https://www.mei.edu/publications/europe-has-vested-interest-safe-secure-and-prosperous-black-sea>.

⁷⁰ Paul Stronski, “What Is Russia Doing in the Black Sea?,” Carnegie Endowment for International Peace, May 20, 2021, <https://carnegieendowment.org/2021/05/20/what-is-russia-doing-in-black-sea-pub-84549>.

and into the EU. This is a means of forcing Europe to rely on Russian resources, while maintaining a security buffer from the volatility in the South Caucasus region⁷¹.

The Black Sea and any conflicts that emerge within it are hard to conceal from the center stage of geopolitics and international affairs. As such a central connecting body of water between the East and the West, any military movement or power-grabs will face international legal bodies such as the Black Sea Economic Cooperation Council and the EU established Black Sea Synergy Initiative, which outlines a comprehensive guide to cooperation between nations operating within the area; there is little margin for dispute. However, maritime zones in and around the Black Sea, such as the Sea of Azov and the Kerch Strait, have maintained a periphery position in the global political discourse, despite their significance in demonstrating the Russian geopolitical agenda.

Azov Aspirations

Russia's outlook post-2014 invasion of Crimea left the state hungry for regional dominance in and around the Black Sea basin. With extensive military and economic resources placed behind the intention to establish a new power order, "defined and enforced by Russia", a motivation for securing control on interstate relationships through territorial authority was evident.⁷² The land grab in the Crimea invasion was a significant step for this agenda because it effectively tripled the length of Black Sea coastline that Russia had, and with regard to the claiming of offshore continental shelves or exclusive economic zones, states must possess

⁷¹ Paul Stronski, "What Is Russia Doing in the Black Sea?," Carnegie Endowment for International Peace, May 20, 2021, <https://carnegieendowment.org/2021/05/20/what-is-russia-doing-in-black-sea-pub-84549>.

⁷² Kristian Åtland, "Redrawing Borders, Reshaping Orders: Russia's Quest for Dominance in the Black Sea Region," *European Security* 30, no. 2 (2021): pp. 305-324, <https://doi.org/10.1080/09662839.2021.1872546>, 310.

adjacent land territory or coastline. In this pursuit, Russia's power grew extensively in a way that was overlooked compared to the conflict occurring in the midst of the Crimean takeover. This territorial expansion stretched Russia's presence in the Azov Sea region specifically, leaving only Ukraine and Russia holding borders over the crucial maritime zone; Ukraine with a loss of control on their maritime territory of around 100,000 square kilometers, and Russia with coastal state jurisdiction of the maritime space to a degree it had not had before⁷³.

It is important to clarify that the Sea of Azov has a different legal status than that of the Black Sea despite the close proximity and shared space. The only two agreements regarding the area were made in the early 2000's, and left the question of delimitation for future discussions, only establishing that the area should be regarded as "historically internal waters of Russia and Ukraine" or "shared internal waters" with no specific mention of ownership⁷⁴. This left the sea as both disputed and, on the periphery, with no legal parameters guiding the liminal dynamic between the now territory-heavy Russia and the at-risk Ukraine.

Russia's pursuits in claiming this territory are multifaceted. Regarding economic and security dynamics, as well as a construction of capturing the power in the region to control the neighboring states, their pursuits exemplify a territorial dispute rooted in preventing nations such as Ukraine from attempting to join the EU and instead expanding Russian control to the west. By using successful takeovers of disputed territory as a vehicle for building regional power guised by reconstructing a semblance of territorial commonality in a region, Russia can foster such a reach without attracting too much global attention that would prompt western states to form an

⁷³ Ibid, 312.

⁷⁴ Kristian Åtland, "Redrawing Borders, Reshaping Orders: Russia's Quest for Dominance in the Black Sea Region," *European Security* 30, no. 2 (2021): pp. 305-324, <https://doi.org/10.1080/09662839.2021.1872546>, 312.

anticipatory defense against the gradual undermining of territorial integrity. With the focus of Russia's security intentions on ensuring Russian dominance over "regional adversaries, above all, Ukraine" and "reducing the ability of outside actors" to challenge their position, this layered power projection through contested maritime zones around the Black Sea have been sites of significant progress in reshaping "previously established regional security arrangements" via disputed territorial expansion in this periphery zone⁷⁵.

Seeing the Kerch Strait

The Kerch Strait is a strait that connects the Black Sea and the Sea of Azov, a small area between Russian occupied Crimea and Russia, but under the above-mentioned 2003 bilateral treaty, a waterway that is open to use by both Russia and Ukraine. In 2018, Russian patrol boats from the country's coast guard fired on Ukrainian navy warships near the entrance of the Kerch Strait, and the interaction resulted in the seizure of the Ukrainian ships and arrest of 24 naval personnel by Russia⁷⁶. From this event, the dispute regarding ownership and freedom of movement in the region reignited, as well as the construction of the justification for armed conflicts given the laws and norms of disputed or ill-defined maritime zones in the periphery.

While Russia's actions against Ukraine did prompt condemnation from the international community over their imprisonment of the Ukrainian sailors and the overall perception of unwarranted military aggression toward the situation, there remains the question of Russia's purpose for such an outright military action⁷⁷. What happened in 2018 was not an entirely

⁷⁵ Ibid, 316.

⁷⁶ Stephen Lewis, "Russia's Continued Aggression against Ukraine," *The RUSI Journal* 164, no. 1 (February 2019): pp. 18-26, <https://doi.org/10.1080/03071847.2019.1605012>, 19.

⁷⁷ Nataliya Vasilyeva, Kate De Pury, and Niko Price, "Kremlin Warns of Possible Conflict Flare-up in Eastern Ukraine after Seizing Ships," PBS (Public Broadcasting Service, November 27,

isolated incident, Russia had been delaying, harassing, and targeting Ukrainian ships bound to or from Ukrainian ports on the Sea of Azov, and continues to do so in the present day.

This specific incident was distinct because of the global attention it garnered, and the reaction from Russia in justifying their actions. Whether it was a show of force to construct the territory as their own, and position Ukraine as the invasive party, or to manifest the communalist role of a protector against those trying to disrupt territorial lines, it demonstrated a shift in Russia's self-definition with respect to the maritime zone. Because this body of water loomed largely on the periphery due to its importance to just two countries, the position and role as a gateway to the Sea of Azov, and thus to the Black Sea, is pivotal to Russia's expansion of control throughout the region.

Manufacturing Conflict

Russia was widely criticized for violating Ukraine's "right to freedom of navigation" as well as the "sovereign immunity" of the seized naval vessels, which were warships, but according to Article 32 of UNCLOS, no other state may exercise legal competence over them, thus the seizure is "unlawful"⁷⁸. However, the ill-defined and liminal nature of the Kerch Strait due to its position on the periphery has left it in one view, a Ukrainian territorial sea under Russian occupation, but in another, a shared space, or alternatively, a majority Russian territorial sea since its capture of Crimea, now enduring a Ukrainian occupation. The importance of a periphery status in aiding this lack of defining legal parameters is integral in situations like these

2018), <https://www.pbs.org/newshour/world/kremlin-warns-of-possible-conflict-flare-up-in-eastern-ukraine-after-seizing-ships>.

⁷⁸ Stephen Lewis, "Russia's Continued Aggression against Ukraine," *The RUSI Journal* 164, no. 1 (February 2019): pp. 18-26, <https://doi.org/10.1080/03071847.2019.1605012>, 22.

when a decade beyond the UN's soon-to-be established specifications regarding the geopolitical legislation for the region is now affording periphery actions and status that could lead to near-war escalations.

To exemplify, the Ukrainian Ministry of Foreign Affairs released a statement after the incident that condemned Russia as violating the Law of Armed conflict. Citing the 1974 Definition of Aggression as written by the UN General Assembly, Ukraine essentially stated that Russia had no right nor justification to act with military aggression and should face consequences for its actions⁷⁹. However, the “applicability” of the Law of Armed Conflicts regarding this event is “conditional upon the existence of an armed conflict” between the two nations at the time of the incident⁸⁰.

Thus, the nature of this encounter would be over what is supposed to be a shared body of water, according to what little defining legislative measures exist for the Kerch Strait. While Ukraine got the symbolic victory of bringing Russia's actions to the center stage of international politics and ensured that the Ukrainian soldiers that were captured were eventually released, there were no actual charges made against Russia, nor changes made to the undefined status of the Kerch Strait in international law, meaning that Russia continued to infringe on Ukrainian navigational, coastal, and transportation space and rights in the region⁸¹. Even within the Strait, Russia has continuously used the measure of distance in the disputed but shared territory to cite justification for military measures, threatening to consider any Ukrainian movement an attack at seemingly random distances from Russian-captured Crimean borders and declaring various areas

⁷⁹ Ibid, 23.

⁸⁰ Ibid.

⁸¹ Kristian Åtland, “Redrawing Borders, Reshaping Orders: Russia's Quest for Dominance in the Black Sea Region,” *European Security* 30, no. 2 (2021): pp. 305-324, <https://doi.org/10.1080/09662839.2021.1872546>, 313.

within the region to be closed at their discretion. All this amounts to a certain “psychological pressure...maybe preparation for a possible war landing on the shore” with the benefit of periphery liminality not requiring Russia to answer for any of their actions in the context of the maritime dispute⁸².

So long as Russia continues to do everything but step foot on Ukrainian territory, the periphery status of important maritime regions such as the Kerch Strait and the Sea of Azov affords states the ability to act in self-interest, concealed as a by-product of the pre-existing lack of clarity surrounding territorial possession that is synonymous with oceans and seas. Russia’s utilization of the Sea of Azov and the Kerch Strait is strategic to build up military presence and power within the confines of disputed or undefined territory, and in doing so will have resources to make substantial impact in the larger, profitable, and important maritime zones that are not in the periphery: the Black Sea.

By using these tactical, periphery waterways, a state with vested military interest in expanding power has a means to expand their reach and still portray their actions as “legitimate and justified” responses to “external security threats” by their own definitions in the absence of other, more concrete legal constructs⁸³. The overall implications of the securitization of these maritime zones, economic, social, political, marks a revisionist and assertive policy for Russia in the region, one that branched from the capture of Crimea to the weakening of Ukraine, all through the vehicle of disputed and periphery ocean territories.

⁸² Isabelle Khurshudyan and Serhiy Morgunov, “In Their Shared Sea, Ukraine and Russia Already Risk Direct Conflict Every Day,” *The Washington Post* (WP Company, December 25, 2021), <https://www.washingtonpost.com/world/2021/12/25/ukraine-russia-azov-sea/>.

⁸³ Kristian Åtland, “Redrawing Borders, Reshaping Orders: Russia’s Quest for Dominance in the Black Sea Region,” *European Security* 30, no. 2 (2021): pp. 305-324, <https://doi.org/10.1080/09662839.2021.1872546>, 318.

Wading Ahead

The complexity of maritime zones lies in the multilayered construction of how geographical bodies such as oceans and seas fit into territorial disputes. The dynamic between a nation and its perceived territory is often defined by how a country and its people might exist on such a space, how they might occupy it, or indicate some kind of ownership in a tangible manner. As established, periphery regions show the true intentions of states, and this theory holds in the examination of larger, more central bodies of water, and the smaller, periphery areas within them.

The construction of the periphery in this sense is not necessarily the distance, or proximity to a more interior area of geopolitical disputes, but periphery by a lack of global attention, and minimal or ill-defined legislative parameters to define the region. The South China Sea and the Black Sea are both well-known regions of the world, surrounded by nations and actors that have long captured international attention, but the periphery nature of the disputes covered in this chapter shows that even within a seemingly predominant area of international political discourse over territory, there are smaller but more revealing disputes occurring.

In looking at the selective, specific, and tactical actions taken by states in these regions, it is evident what future actions might be taken in the center stage of global territorial disputes, the larger more prominent bodies of water that the Spratly Islands, the Sea of Azov, and the Kerch Strait reside within. By taking these less observed and underregulated periphery areas into account when assessing the future geopolitical aspirations, a clearer indication of a state's intentions may be revealed, and more effective foreign policy can be made. The reduction of conflict that may be provided by more clarity in these areas so to minimize the escalation into a

securitized or militarized territorial dispute could help prevent unnecessary inequities in the global community with respect to disputed territory.

The construction of how states act in oceans has a certain flexibility that does not exist in other territorial disputes due to the way oceans and seas exist. The lack of permeance, the inability to inhabit, and the essentiality of these environments makes maritime zones a quintessential geological body for contention. At the same time, the necessity for a cooperative international utilization of oceans seas because of the communal existence fosters a commonality or vested interest in preserving these waterways in a vague legislative status that permits freer actions for all states involved; that is, until one state strives for more individual power and control, undermining the communal dynamic and forcing dispute.

The utility of oceans and seas goes beyond just territorial possession. Maritime zones like any other geographic zone, and the dispute, is an extension of state strength. The claim to an ocean, a sea, a strait, or any other body of water is a means of establishing a boundary on an otherwise intangible space, something only a formidable global power can achieve.

Afterword

This chapter was finished on February 21st of 2022, around 48 hours before Vladimir Putin launched an invasion into Ukraine. When researching some of the key maritime zones I felt substantiated my argument and were of interest to me in the weeks prior to the war breaking out, I remember seeing a marginal influx in reports about the region, not specifically regarding the Sea of Azov or the Kerch Strait, but general coverage about the Black Sea and speculative utility, thus precedence for a Russian invasion. Hence, the sections in this chapter that cover both these

territories was written in a hypothetical sense, despite the eventual and now current reality of the Russian military effort in both these zones.

Both the Sea of Azov and the Kerch Strait are far less peripheral than they were when I completed my draft of this chapter, but most coverage regarding their insurmountable strategic importance to both Ukraine and Russia still analyzes the contested territories in terms of the land near it, cities like Mariupol. This is not to say that the war occurring in Ukrainian cities is not vitally important to understanding this conflict and the disputed territory element of it all, it just demonstrates how land, or territorial formations that are more tangibly conceived, continue to stay at the focal point of the international discourse. Maritime zones, despite their proximal location in this situation, still seemingly remain more challenging to feasibly construct, thus stay on the periphery of international discourse surrounding this war. This can surely change as new developments in this conflict unfold each day, but I felt it was important to note the time and context in which this chapter was written with respect to the continuing conflict between Russia and Ukraine.

Land

Territorial conflicts are most feasibly and frequently conceptualized as land-based occurrences. After all, humanity and society exist almost entirely on land, thus centers of populous are likely to have the most clearly defined rules and norms when it comes to understanding and addressing geopolitical disputes over issues including but not limited to boundaries, resources, or politics. It is difficult for a land-based territorial dispute to stay on the periphery of international attention and discourse to the extent that certain maritime zones or the Arctic might, and much of that connects to that population element. The tangibility and importance of a disputed territory is far more pressing and graspable if we are able to see the immediacy of it; human lives are at risk in a war over a border, the sociocultural significance of history in a given conflict, contention over valuable natural resources or industries.

Land based territory is an effective provider of security, opportunity, self-sufficiency, protection, and preservation of the state, its people, and an identity⁸⁴. With the disruption of a perceived rightful ownership to land by a state or state actors, a dispute can escalate to a focal point in the global discourse that garners international attention very quickly. In the same vein, territorial disputes on land can manifest into state-defining conflicts; these conflicts can last for such an extended amount of time that countries adopt an orientation or “attain a sense of belonging” with the cause of defending or fighting for a given space⁸⁵. These “never-resolved” disputes might originate from states seeking to “delimit” the “precise boundary between national

⁸⁴ David B. Knight, “Identity and Territory: Geographical Perspectives on Nationalism and Regionalism,” *Annals of the Association of American Geographers* 72, no. 4 (December 1982): pp. 514-531, <https://doi.org/10.1111/j.1467-8306.1982.tb01842.x>, 517.

⁸⁵ *Ibid*, 522.

territories”, to intentionally muddle a given boundary as a means of one day potentially using that ill-defined environment to take back what is seen as rightful land⁸⁶.

This lack of resolution or at least the failure to reach a conclusive agreement on a land-based territorial dispute is also a means of existing in the periphery, and a frequent reason behind this inability to reach settlement is the long-term ramifications that colonialism had on state geopolitical construction. Even after achieving independence, postcolonial states must still contend with the deconstruction and reconstruction of their countries, identities, and self-definition, as their neighboring states do the same. Boundaries and treaties created during colonial rule are considered “binding” on postcolonial successor states, regardless of if the colonized people had a voice in determining those borders or not⁸⁷.

The reason this becomes a periphery dispute is because until there is an incentivizing reason for the powerful, often former colonialist states to be interested in these territorial conflicts, usually economic opportunity or the global community intervening on a dispute turned violent or warring, it is of little interest given the sheer amount of land-based disputed territories existing already. Moreover, territorial disputes on land are literally closer to home, thus countries must look at geopolitical discourse impacting them directly first. Without the attention of the larger and more powerful countries, many of the postcolonial states who are still suffering the decisions made amidst colonialism on their behalf, remain on the periphery of international discourse. In this chapter, the ongoing disputes of Venezuela and Guyana, as well as Morocco’s claim over the Western Sahara region will serve to exemplify the dynamic of geopolitical

⁸⁶ Stephen A. Kocs, “Territorial Disputes and Interstate War, 1945-1987,” *The Journal of Politics* 57, no. 1 (February 1995): pp. 159-175, <https://doi.org/10.2307/2960275>, 164.

⁸⁷ *Ibid.*

conflict as an aftershock of colonialism, and how that constructs the periphery for land-based territorial contention.

Postcolonial Presence

Territory can offer the provision of community and combined with a specific identity, can help construct how a state sees itself and in turn how the world might view the state. Colonialism disrupted any and all that existed prior, and shaped what was left after, especially concerning how state borders existed. Because of this, some postcolonial countries remain with a strenuous back-and-forth between “unification and fragmentation” of territory, fragmentation being an “accepted” existence of the past that could have been culturally or sociologically amended amidst achieving liberation, creating unification⁸⁸. However, fragmentation still exists within disputed territories, as colonialism constructed territory as a commodity irrespective of history, culture, and identity, and uncaring about the ramifications of dividing land up to serve colonialist and imperialist economic benefit⁸⁹.

Colonialism put an emphasis on boundaries and formulated a value to what existed within a given territory. Whether that was the land and its position in the world, the people of a territory, or the resources within a given environment, the construction of borders as a provision of power did not dissipate for postcolonial states even with the end of colonialism.

The colonialist focus on land as something to be conceived in just “material aspects”, completely negating or at least hindering the “very identity of the state and the nation” only

⁸⁸ David B. Knight, “Identity and Territory: Geographical Perspectives on Nationalism and Regionalism,” *Annals of the Association of American Geographers* 72, no. 4 (December 1982): pp. 514-531, <https://doi.org/10.1111/j.1467-8306.1982.tb01842.x>, 516.

⁸⁹ Ibid.

served to exacerbate postcolonial conflict over disputed territory because it created this emphasis on the notion of possession and geographical expression to define a state, rather than social aspects like culture and shared history⁹⁰. In doing this, postcolonial states are left with a new focal point on reshaping their individuality: the pursuit of rediscovering identity through rectifying territory and boundaries lost during colonialism or defending what they might have acquired during the colonialist era, frequently to and from a neighboring country. This in turn can spark conflicts between these states despite neither being the actual aggressor.

Disputed territories and their construction are not static throughout history. With the strategic and economic value of land being placed at the center of colonialism's redefinition of territorial utility and worth, and the significance of borders, conflict was expectable for postcolonial states in their pursuit for self-definition amidst the everlasting establishments of colonialism.

Theoretical Terrain

While land based territorial disputes are the most commonly mapped, covered, and researched, with the majority of extensive legal guardrails in comparison to other forms of disputed territory, there still exists the complexity of why states feel so compelled to fight over territory that outwardly, may not seem worth fighting for. Disputes over territory, especially in rebuilding and reconstructing state identity post-colonialism trigger a sense of "injustice" within

⁹⁰ Tuomas Forsberg, "Explaining Territorial Disputes: From Power Politics to Normative Reasons," *Journal of Peace Research* 33, no. 4 (November 1996): pp. 433-449, <https://doi.org/10.1177/0022343396033004005>, 438.

international affairs⁹¹. In looking at land disputes through the lens of normative theory, territorial disputes can carry the weight of restoring land unfairly lost, and border disputes in specific are rooted in history, reminiscent of violence, and long-withstanding⁹².

To construct land as simply where the state resides is narrow and incomplete, as disputed territory remains disputed if viewed as a zero-sum game without any other reason for conflict than the material aspects of a border or a territory⁹³. The human history that has existed on land, both ancient and recent, constructs land-based disputed territory as a byproduct of both normative and emotional connections by people to the land. Moreover, as the case studies in this chapter are also characterized by their periphery status, it is not the distance of the disputed territories from a specific global core, rather the remaining colonialist impacts on these areas that global powers complicit or responsible for those atrocities seek to distance themselves from, or simply are uninterested in aiding in remedying the divisions they left behind. The only caveat to this, which emphasizes the liminality of a periphery residence, is the reconstruction of these otherwise historical, emotional, and normative perceptions and drivers of disputed territories, into opportunities for economic or political power for both the countries involved in the dispute, and outside actors.

The dynamic between former colonial and postcolonial states within the liminal environment of periphery disputed territory is significant. While powerful or larger countries who at one point colonized the states involved in the disputed territory may use this periphery status to achieve their own economic or political goals, the postcolonial states and the actual root

⁹¹ Tuomas Forsberg, "Explaining Territorial Disputes: From Power Politics to Normative Reasons," *Journal of Peace Research* 33, no. 4 (November 1996): pp. 433-449, <https://doi.org/10.1177/0022343396033004005>, 436.

⁹² *Ibid.*, 438.

⁹³ *Ibid.*

cause of the dispute are frequently left out of any resolution or benefit. In this way, the periphery provides a measure of convenience and strategy to the states who are not directly involved in the disputed territory, and the distinct lack of structure and legal bindings for the states concerned over the disputed territory leaves the conflict continuously unsolved despite scale and adeptness of the outside nations involved. From this, the periphery status of disputed territories through the lens of a postcolonial theory demonstrates an added layer in how states may engage differently in a liminal environment, but notably regarding land-based and peripheral disputed territories.

Guyana, Venezuela, and the Essequibo

The disputed territory between Guyana and Venezuela, the Essequibo, is one that has its roots in history, and colonialism. During the era of Spanish occupation in Venezuela and British imperialism in Guyana, formerly British Guiana, this Essequibo region went through numerous rounds of debate in the 19th century during the consolidation and reorganization of colonial powers and their presences in South America. The area was eventually divided and awarded, leaving Guyana with the densely forested land between the Orinoco and Essequibo rivers in the basin, accounting for two thirds of the country's present-day territory and rendering it Guyanese national territory, and Venezuela retained the Orinoco River basin.

As Venezuela achieved independence before the former British Guiana and the colonial countries waned their presences globally, there were essentially no disputes on the borders and ownership of this area for nearly six decades. However, following Guyana's independence, Venezuela rescinded their approval of the 1899 territorial ruling due to its conception by colonialist actors rather than the concerned states. This was followed by several years of disputing the Port of Spain Protocol in 1970 which placed a moratorium on the original dispute

that lasted until 1982, and was continued when the states could not reach agreement, even though the International Court of Justice, where the case still sits unaddressed⁹⁴.

The intentional inability to define the region for the sake of curbing conflict helped to push the disputed territory into the periphery of the global political conversation. While Guyana was awarded this territory at the end of the colonialist presence and era in the region, Venezuela's attestation that the Essequibo territory was taken from them by colonialists in the first place demonstrates the fluidity of territory that previously went undefined or was viewed as a pre-colonial shared region between countries, constructed under colonialism, and then distributed arbitrarily without concern for what that might do to the states involved after the fact⁹⁵.

Emulsion

Leaving a disputed territory in ambiguity was never a sustainable solution for Venezuela and Guyana regarding the Essequibo. The proximity of the regional dispute and the accessibility of land regarding resource extraction, occupation, or even just geopolitical power was too feasible for states not to capitalize on such an undefined environment. The liminality of the Essequibo benefitted Guyana much more than it did Venezuela as time went on due to the impending entrance of foreign private actors who would utilize this region for their own benefit. A periphery status is only sustainable if all states involved are reaping some sort of benefit from

⁹⁴ Odeen Ishmael, "Guyana-Venezuela: The 'Controversy' Over The Arbitral Award of 1899," COHA (Council on Hemispheric Affairs, September 29, 2015), <https://www.coha.org/guyana-venezuela-the-controversy-over-the-arbitral-award-of-1899/>.

⁹⁵ Thomas W Donovan, "Challenges to the Territorial Integrity of Guyana: A Legal Analysis," Digital Commons @ University of Georgia School of Law (Journal of International and Comparative Law, September 18, 2014), <https://digitalcommons.law.uga.edu/gjicl/vol32/iss3/7/>.

the situation, thus prompting them to maintain some sort of communality, but with the start of oil exploration by the Guyanese and the financial promise that came with the venture, Venezuela began to raise opposition once again.

The discovery of oil fields by ExxonMobil in the Essequibo amongst the pre-existing natural resources of the region catapulted Guyana into the ranks of the world's top energy markets in the early 2010's⁹⁶. With that economic attention, Venezuelan leadership began to call upon its own foreign alliances, namely Russia, to potentially send troops or nuclear weapons to engage with Guyana over these newfound resources⁹⁷. Venezuela's president "vowed to reconquer" the Essequibo, promising to establish military presences both on the coast and within the Essequibo to prevent any oil from leaving the region and force their claim on the area⁹⁸. With all of this military posturing over natural assets, the strategic gain of a new oil reserve seemed to be the catalyst for pushing this conflict into the center of global discourse and would thus solve the dispute over the territory by pressure of international bodies.

The promise of oil and economic gain is enough to force a territorial dispute out of the periphery, but in the case of this disputed territory, the countries involved still largely remain in this liminal space. Guyana reaped the benefits of a post-colonial boundary designation, and Venezuela spent the years following attempting to contest this allocation, but the actual heart of

⁹⁶ Paul J. Angelo and Wazim Mowla, "Another Conflict Is Brewing in the Caribbean," *Foreign Policy*, March 22, 2022, https://foreignpolicy.com/2022/03/22/venezuela-guyana-essequibo-maduro-opposition-oil/?tpcc=recirc_trending062921.

⁹⁷ Ibid.

⁹⁸ Canute James, "Venezuela Saber-Rattles over Guyana, US Wades in: Argus Media," *Commodity & Energy Price Benchmarks* (Argus Media, January 11, 2021), <https://www.argusmedia.com/en/news/2175764-venezuela-saberrattles-over-guyana-us-wades-in>.

the dispute is the construction of land-based territory as a point of geopolitical gain through its value, rather than an actual internal and normative claim to the land.

Rebuild All Your Ruins

Colonialism took land such as the Essequibo, which was previously shared between several countries in the region as a natural wetland and river basin, and created something to fight over given the newly constructed lens that land was henceforth viewed in. Prior to the entrance of outside states and non-state actors, the disagreement between Venezuela and Guyana likely maintained a periphery status because it was seen as a territorial dispute between two nations over delineations, as the byproducts of colonial-era allocations were largely arbitrary, or simply reflected which colonial powers occupied the space the longest. Thus, it was sociocultural, something held between the two countries, and not of interest to the global discourse despite so many powerful nations being complicit in creating the disputed territory.

This dispute over the Essequibo and the borders between Venezuela and Guyana was reignited and brought out of the periphery to some degree because of the Guyanese oil efforts. The internal conflict of Venezuela's political problems in addition to the framing of territory as a construction of value and power rather than a normative environment also played a sizable role in fostering the dispute⁹⁹. In all instances where the UN stepped in to appease the disagreement of the two nations over the region, the little traction it may have had in reparative discourse fell to the wayside. The only aspect of the Essequibo that existed outside the periphery was the financial gain for oil companies that the region might bring, not the extensive history and

⁹⁹ Anthony R. Cummings, "How Guyana's Oil Discovery Rekindled a Border Controversy," *Journal of Latin American Geography* 17, no. 3 (2018): pp. 183-211, <https://doi.org/10.1353/lag.2018.0046>, 200.

collateral damage from colonialism that embedded a self-defeating viewpoint on land possession for these nations

The territorial controversy involving the Essequibo has the capacity to turn into a detrimental conflict with a driven and corrupt leader like Maduro pushing for militarization, backed by Russia, and viewing this disputed territory as a point of political power¹⁰⁰. The Caribbean countries' support of Guyana as well as China's close relationship with both Venezuela and Guyana complicates the matter further. Even though this territory has the makings of a global conflict, the heart of it, the root cause of the debate over the Essequibo between Guyana and Venezuela, would still remain in the periphery. The countries' claim to this land lies in the long term impacts colonial era mappings of a once communal region of nature, the reconstruction of an identity, and a provision of territory that previously belonged to no one. The global core does not have any incentive to address such a historical and complex issue, but it will contend with the potential for strategic and economic gain to be had in the oil reserves, and a South American political presence overseeing the disputed territory.

The Essequibo as an area exemplifies colonialism's impact on the construction of territory for postcolonial states, as well as the liminality of the periphery when powerful states pick and choose what parts of a disputed territory get elevated to global prominence. Guyana and Venezuela are left with the disputed Essequibo, and a "volatile" reality emerges for the two states, exacerbated by the commoditization of the land and its resources¹⁰¹. In this way, the

¹⁰⁰ Paul J. Angelo and Wazim Mowla, "Another Conflict Is Brewing in the Caribbean," *Foreign Policy*, March 22, 2022, https://foreignpolicy.com/2022/03/22/venezuela-guyana-essequibo-maduro-opposition-oil/?tpcc=recirc_trending062921.

¹⁰¹ Anthony R. Cummings, "How Guyana's Oil Discovery Rekindled a Border Controversy," *Journal of Latin American Geography* 17, no. 3 (2018): pp. 183-211, <https://doi.org/10.1353/lag.2018.0046>, 186.

periphery dynamic demonstrates how powerful states use liminality to their benefit for their own biddings, while leaving the smaller and less powerful nations in a purgatory over their disputed territory. The only way to remedy this situation is to hear the Guyanese and Venezuelan perspective, comprehend the role of history, and work to untangle the colonial and cultural clash of conceptualizing what land-based territory is.

Western Sahara

The twentieth century era of decolonization was a time of huge shifts in territorial conceptions, geopolitical presence and power, postcolonial countries understanding their position in the global community, and the newfound sense of state with the remaining colonially defined borders as the last semblance of structure. Western Sahara was the final region to be decolonized when Spain left in 1976, leaving Morocco and Mauritania in administrative but not sovereign control due to their annexed areas within Western Sahara¹⁰². The rising force within Western Sahara keen on establishing statehood and sovereignty was the Polisario Front, which was backed by neighboring Algeria and had been growing in power since prior to the decolonization. In the years that followed, the UN dispatched a mission to establish how Western Sahara might exist in the postcolonial world, and it reached the conclusion that the Sahrawi people and the Polisario Front had stronger support for Western Saharan independence than other options such as integration of the various annexed areas or continued Spanish rule. However, this was not a decisive decision for Western Saharan sovereignty.

¹⁰² Kanika Sansanwal, and Rahul Kamath, “The Unspoken Conflict in Western Sahara.” *World Affairs: The Journal of International Issues* 24, no. 2 (2020): 106–19. <https://www.jstor.org/stable/48629027>, 107.

Despite Western Sahara's push for legitimacy, the remnants of colonialism left a complex web of various claims on the territory. Remaining anti-Spanish groups who lived in the "Spanish Sahara" portion of the region wanted not independence, but to join Morocco, a state that had already expressed interest in absorbing Western Sahara which at this point in the late 1970s was still without statehood¹⁰³. The International Court of Justice thus got involved and concluded that despite "historical links" with Mauritania and Morocco, there was not enough evidence to prove sovereignty of either state over Western Sahara but failed to award the disputed a resounding statehood or global legitimacy due to the continued regional discrepancy¹⁰⁴.

From that point forward, Morocco and Western Sahara have been engaged in some form of dispute over territory and sovereignty, including the Western Sahara War which lasted nearly 16 years and despite the call for ceasefire, failed to formulate any kind of permanent solution. Since 1991, Morocco and Western Sahara have continued to have hostile engagements and dispute the territory, despite several more United Nations ventures, such as the Mission for Referendum in Western Sahara, and UN peace negotiations known as the Houston Agreement as well as the Baker Plans I and II, all of which failed as each were rejected by the Polisario or Morocco¹⁰⁵.

This historical context is important in better understanding why Western Sahara remains a disputed territory today, despite such a lengthy background in pursuit of self-determination, as well as the neighboring nations', specifically Morocco's, perseverance in claiming the land as its own. The postcolonial path to statehood is never a straightforward venture, and despite the

¹⁰³ Ibid.

¹⁰⁴ Ibid, 108.

¹⁰⁵ David Seddon, "Western Sahara at the Turn of the Millennium," *Review of African Political Economy* 26, no. 82 (1999): pp. 495-503, <https://doi.org/10.1080/03056249908704416>.

efforts of large, global legislative bodies such as the UN, no solution arrives easily. Western Sahara falls into the periphery in the same fashion that the Essequibo does; it was given geopolitical value during colonialism, rather than the symbolic, cultural, and preexisting normative views on territory and land, and thus is trapped in a cycle of dispute and redefinition in a postcolonial world.

The countries impacted by colonialism are left to find their sense of statehood and identity in an arbitrary and liminal environment left behind by colonialist nations. These large colonialist powers in turn will continue to exacerbate the problem in continuing to define the land by its value to their political and economic goals. After several tries from bodies like the UN, countries from the global core fail to enact any meaningful or impartial assistance in the disputed territory of Western Sahara, resigning the violence, humanitarian crisis, and never-ending conflict aspect of this to the periphery.

Chessboard Made of Sand

Western Sahara as a disputed territory exists in two different ways. The first is the most evident, yet resides in the periphery, and is essentially the fight from the Polisario front in establishing Western Saharan statehood, intending on creating a country for the Sahrawi people to have. Then there is the dispute which the territory is being used for, one of many regional feuds in the Maghreb that is being played out in the Western Saharan area between Algeria and Morocco. Morocco's claim to Western Sahara lies in history but is bolstered by fear that a Sahrawi independence could "destabilize" Moroccan monarchy and cause a power shift in

Northern Africa not in Morocco's favor¹⁰⁶. Algeria has in turn been incredibly supportive of the Polisario, providing funding and weapons as well as vocal support on Western Saharan independence, yet ensuring that the Sahrawi cause fails to go beyond characterizing Morocco as an oppressor in the situation¹⁰⁷.

Using this Western Saharan territory as leverage for their own state discord has left the true plight of the territory and its pursuit of independence largely unheard in the situation as a whole, because in actuality, prior to colonialism the Sahrawi people were nomads "with little sense of nationalism or national borders", thus the idea of "self-determination" within the confines of statehood and borders is a byproduct of colonial constructions of territory and identity¹⁰⁸.

Morocco's policy regarding Western Sahara has even gone as far as giving "preferential treatment" within Morocco to Sahrawis who viewed the government favorably, fostering a "co-opted elite" within the Sahrawi population and further within the dispute over the territory at large¹⁰⁹. This accompanied with the Algerian influence on the Polisario leaves the Western Saharan people and their territory at the whim of the states who are using it as a means of exacting geopolitical power. The periphery status of the actual plight regarding the dissonance of Sahrawi statehood within the construction of territory in a postcolonial world emphasizes how impactful the selectiveness of global attention can be on the perception of a disputed territory.

¹⁰⁶ Kanika Sansanwal, and Rahul Kamath, "The Unspoken Conflict in Western Sahara." *World Affairs: The Journal of International Issues* 24, no. 2 (2020): 106–19. <https://www.jstor.org/stable/48629027>, 112.

¹⁰⁷ Ibid.

¹⁰⁸ Charles Dunbar and Kathleen Malley-Morrison, "The Western Sahara Dispute: A Cautionary Tale for Peacebuilders," *Journal of Peacebuilding & Development* 5, no. 1 (2009): pp. 22-34, <https://doi.org/10.1080/15423166.2009.996537779805>, 26.

¹⁰⁹ Ibid, 29.

Both Morocco and Algeria utilize the periphery status that a postcolonial disputed territory has to the advantage of their own geopolitical power struggle; it can be conducted outside the confines of their own states, but have the reward of presence and control over another state and its people. Both countries also have relationships in the EU, and with Israel and Russia, the former a body that could minimize tensions, but the latter two nations are even larger powerful states that could influence the conflict militarily, economically, and politically.

Making a Desert and Calling it Peace

The statehood of Western Sahara with concern to the population residing within it and to the region through identity and history will likely fall further in the periphery as the land itself becomes increasingly valuable to central global powers. With the current Russian and Ukraine conflict, global nations reliant on Russian gas are looking for other sources to draw from as a way of diminishing dependence on Russian exports.

Algeria supplied 11% of Europe's gas prior to the war and has begun to fill the gap as countries seek new suppliers amidst the conflict. It also has the world's third biggest untapped shale gas reserves, positioning the country as a future energy giant in the global community from political shifts in export decisions alone¹¹⁰. This is significant in how it might prompt increased international support of Algeria, upset Morocco especially given historical European supporters such as Spain changing alliances, and ultimately heighten the animosity between the two nations to a point of conflict, leaving Western Sahara as a negotiation tool of territory and tension.

¹¹⁰ Anthony Dworkin, "North African Standoff: How the Western Sahara Conflict Is Fueling New Tensions between Morocco and Algeria," ECFR (European Council on Foreign Relations, April 8, 2022), <https://ecfr.eu/publication/north-african-standoff-how-the-western-sahara-conflict-is-fuelling-new-tensions-between-morocco-and-algeria/>.

As states fall on either an Algerian or Moroccan side of a dispute over a valuable resource, the actual plight of allowing for a Western Saharan state to be created is sidelined and continuously liminal. Countries will align with the viewpoint of either Morocco or Algeria regarding the disputed territory, negating the fact that neither country has a legitimate reason for their engagement with Western Sahara. Algeria backs the Polisario as a means of antagonizing Morocco and in turn Morocco claims legitimacy over the territory as a semblance of postcolonial restitution, neither situation actually considering the Saharawi people in earnest¹¹¹.

World powers and organizations like the EU have failed to take a coherent position on Western Sahara and its legality and legitimacy in addition to any neighbor states like Morocco's control over the disputed territory, nor has any support or condemnation been offered concerning the Polisario Front or Saharawi peoples¹¹². The need to carefully balance economically beneficial partnerships in the global core eclipses the importance of addressing a people and a nation left in sovereign limbo and at the mercy of its neighbors. Without the needed attention to the more human aspect of this disputed territory, the displaced Sahrawi people are left in search of sovereignty or at least some form of international recognition of their plight and right to exist through global communal legitimization of Western Sahara as its own nation.

The periphery status of Western Sahara allows Morocco and Algeria to use it as a strategic and self-interested device of geopolitical prowess, an expansion of defense, or a bargaining chip in foreign affairs. The liminality of the periphery has shrouded the situation to

¹¹¹ Albert Guasch Rafael, "Spain's Energy Ambitions Are Looking like a Pipe Dream," FP (Foreign Policy, April 8, 2022), <https://foreignpolicy.com/2022/04/08/spain-algeria-energy-crisis-gas-lng-pipeline-western-sahara-russia/>.

¹¹² Kanika Sansanwal, and Rahul Kamath, "The Unspoken Conflict in Western Sahara." *World Affairs: The Journal of International Issues* 24, no. 2 (2020): 106–19. <https://www.jstor.org/stable/48629027>, 115.

the benefit of powerful states. This in turn has caused a cyclical failure to address the Sahrawi people and their statehood, the plethora of cultural, social, and economic aspects, and domestic representation in Africa and internationally, despite integral role the territory plays in the affairs of other nations. Without some kind of “compromise”¹¹³, the Polisario Front, emboldened by Algeria, and Morocco’s continued oppression and of the Saharawi people, Western Sahara as a disputed territory will remain a victim of the periphery’s liminality, while outside nations maximize the benefits of this territorial perception for their own geopolitical strategy and stature¹¹⁴.

Undiscovered Country

In the case of land-based disputed territory, human history plays an important role as there is so much more of it that constructs and defines the dispute itself, thus how countries act in a periphery territorial dispute. Looking at Guyana and Venezuela’s division over the Essequibo as well as Western Sahara’s search for sovereignty and the various states and international bodies that have shaped the endeavor, the complexity of disputed territories on land within the periphery is irrefutable. The periphery here is equally as liminal, but far more malleable given the permeance of human presence, the preexisting legislation and reach of all countries in such an environment, and the incredibly central function of history, in these instances, colonialism.

The postcolonial states have their perceptions of territory, sovereignty, and thus identity deconstructed and rebuilt around the impacts of colonialism; what literal and figurative shape

¹¹³ Ibid, 117.

¹¹⁴ Amy Goodman, “Exclusive: Sahrawi Activist Sultana Khaya Speaks from Moroccan-Imposed House Arrest in Western Sahara,” Democracy Now! (PBS, March 21, 2022), https://www.democracynow.org/2022/3/21/sahrawi_activist_sultana_khaya_house_arrest.

they were left in after those foreign powers departed. Even with freedom, these nations are left without a tangible reason as to why their land was distributed in such a way, or what the appearance of new divisions, borders, and boundaries mean for their existence in the postcolonial world. Thus, the outside influence of global powers and their perception of what territory is, a measure of value and power, exists as the new filter to view land through for these states and their people.

Even without colonialism, formerly colonialist countries still maintain a presence and proximity to these nations and exacerbate the problems that bloom out of new territorial conflicts for their own economic and geopolitical gain, all through the peripheral status of many of these disputes. Reconstructions from international bodies attempting to remedy postcolonial disputed territories will almost always fail to remedy anything as the provision of a dissonant and frequently western concept of territory cannot restore these states or societies to what they were before colonialism. The concept of territory in today's world was not how many countries or people once perceived land, and thus these states are continuously at the whim of how larger and more powerful nations construct them, and the periphery provides free reign for outside states to do so with self-interest.

If postcolonial states are able to reap the benefit of their sought-after resources, they can boost their status in the global community, shape their territorial identities, and use the periphery to their own, autonomous benefit. The role of history, and complicity of colonial states in continuing to capitalize off of these nations must be addressed by global international bodies such as the UN and ICJ. There is long-overdue attention that must be given to the perspective and objectives of postcolonial nations and peoples, so that they might find clarity and a path forward regarding disputed land like the Essequibo and Western Sahara.

Outer Space

Outer space entered the international conversation with magnitude and the promise of other-worldly power in the Space Race era of the 1960's. The strategic and geopolitical value, in addition to the irrefutable demonstration of strength in technological innovation, economic resources, and state power, drove countries to focus all their efforts on the vast frontier beyond the confines of earth. Space remained a point of political interest even after it became an increasingly demystified environment, but as more and more nations established their ability to reach the stars, semblances of consequence and value began to emerge. The plethora of natural resources that exist outer space is unimaginable and brimming with financial promise for countries and private actors alike. Thus, after the initial race to get there, states now have the ability to define the space, engage in strategic objectives, and even explore.

Although expanse of outer space holds physically endless amounts of area that can be feasibly thought of as territory, the confines of planets, moons, or just exploration potential is the most evident way to conceptualize tangible space. In defining territory, ownership, and the right to exist in space, such a new and vast area, so much depends on the reason for state activities outside earth to begin with. Outer space is a periphery region logistically, yet despite the extremely public act of going to space, and international observation and celebration of such a feat, it holds less of the significance that it did during the Cold War era per say. Space and a country's ability to reach it and engage in pursuits that break the confines of diplomatically tinged endeavors is also something that remains on the periphery, despite the heavy significance of astronomical advancement.

The intersection between technology, the communalism that space law asks of states deciding to venture outside of earth, and the evolving definitions of what space really is for

countries as they explore, and how that impacts their actions are all key elements of this chapter. Looking at constructed territories like the International Space Station, as well as what the promise of planetary and lunar exploration means for those involved, logistically and politically, is demonstrative of how because of its theoretical periphery status, outer space is an important observational environment for how states choose to conduct themselves. Actions in space and on the celestial bodies that humans reach can be reflective of earthly foreign affairs, even more interestingly, it may be entirely oppositional, an example being America and Russia. Space offers states the hefty condition of cooperation, both legislatively and practically, and that often distorts preconceived notions of how countries will act toward one another and regarding their own interests, especially in such a peripheral environment.

Space as a geopolitical arena is a stage for the intersection between security and technology, and how much state activities outside of earth still can have sizable impact to what occurs earthside¹¹⁵. The protection, projection, and expansion of national interest in outer space is a broadening venture in the global political sphere and should hold the same geopolitical weight as the securitization or militarization of a land territorial conflict. Yet the lack of tangible constructions when it comes to conceptualizing space in territorially delineated terms, as well as the precedent of purely peaceful and unified international cooperation portrays this realm beyond earth as an ill-defined and improbable setting for conflict, a periphery.

¹¹⁵ Gianfranco Gabriele Nucera, "International Geopolitics and Space Regulation," *Oxford Research Encyclopedia of Planetary Science*, May 23, 2019, <https://doi.org/10.1093/acrefore/9780190647926.013.40>, 4.

Space Law

At the start of the space race, the United States, the USSR, and the United Nations General Assembly sought to establish some kind of rules prior to the impending, numerous, and tension filled years ahead between the great powers and their pursuit of outer space. The Committee on the Peaceful Uses of Outer Space (COPUOS) became a permanent subsidiary body of the General Assembly in December 1959 and continued to expand throughout the years to follow. The purpose and intent of the committee to strengthen “the intentional legal regime governing outer space” as well as “improve conditions for expanding international cooperation in this sector”, and asserted a commitment to act on a global level in supporting and advising any space related situations, entities, and activities¹¹⁶.

The COPUOS as a legal instrument in defining outer space for the states wanting to act within it existed initially as a lawmaking body. It then evolved as a vehicle to “broaden the acceptance of the UN space treaties” and “asses their application” within the general field of international lawmaking¹¹⁷. Of the many efforts this committee worked on, the key piece of legislation that still plays a central role in how states operate in space is the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space. This resolution outlined and established the commonality of space exploration for all countries, “irrespective” of any economic or scientific benefit, and solidified that any and all space exploration and endeavors must be done with “peaceful purposes”, emblemized in the prohibition of weapons of mass destruction and explosions in space¹¹⁸. These parameters for

¹¹⁶ Gianfranco Gabriele Nucera, “International Geopolitics and Space Regulation,” *Oxford Research Encyclopedia of Planetary Science*, May 23, 2019, <https://doi.org/10.1093/acrefore/9780190647926.013.40>, 8.

¹¹⁷ Ibid.

¹¹⁸ Ibid, 9.

space exploration were by no means rigid, but acted as an international agreement and establishment for norms regarding state actions in space.

This idea of a common good embedded within the laws for space creates an altruistic ambiguity in how states can and should act in the realm. Its emphasis on exploration and communalism is amplified by the explicit assertion of “free access, exploration, and use”, and the “prohibition of appropriation” of any and all celestial bodies by “claim of sovereignty, by means or use or occupation, or by any other means”¹¹⁹.

The legislation crafted during the early era of space exploration was tactful in its structure, recognizing its limits given the scope of what was still unknown about space, but building what type of environment outer space would be for the countries that sought to act within it. In establishing peaceful and unity driven purposes for space regarding everything from activities to conceptualizing space territory, the COPUS built a framework within the context of the UN, but with room to evolve with the growth in technology thus accessibility to and usage of outer space by the global community.

Creating Space

From the moment the global community began conceptualizing space as a territory and realm to engage with, it was given the above-mentioned communalist attributes to be ‘free for appropriation’, and an area where any “idea of colonizing...as seen in the past in relation to vast regions of the planet” was made illegal¹²⁰. This careful balance between space being regarded as the property for all humanity to share, while maintaining the regard of space exploration to be an

¹¹⁹ Ibid, 10.

¹²⁰ Bittencourt Neto Olavo de Oliviera, *Defining the Limits of Outer Space for Regulatory Purposes* (Cham, UK : Springer International Publishing, 2015), 20.

emblem of individual state success, yet still with concern for the greater good always at the center of the venture.

In keeping a “ban on sovereignty” as one of the fundamental principles of conceptualizing space and norms for states to operate under, an intentional lack of structure emerges as what defines the region¹²¹. In essence, to create such a specific framework to prevent states from engaging in territorial disputes and conflict over the right to or ownership of any celestial bodies or space, these principles have almost undermined the international legal framework. States are less inclined to establish, facilitate, or follow their own regulations, nor hold themselves and others in “compliance” as the existing legislature maintains the ill-defined nature of space, thus there is not a “prerequisite to performance” regarding how states engage in their business within space¹²².

The potential for such unbridled self-interest regarding state actions in space demonstrates the importance of construction in such a new and peripheral environment. To an extent, there was a “fear” of how states could, should, and would act in space, especially at the start of the space race with such high tensions¹²³. This fear also extended to how actions in and ownership of space territory would impact sovereignty and the legal status quo on earth.

The peripheral existence, along with the legislative pillars committing to an expansive, communally driven, benevolently explorative, and guided purpose in space leaves global powers with an interest in outer space the ability to construct the region with much flexibility. The intangibility and distance renders outer space and its celestial bodies more difficult to conceptualize feasibly on earth, and as more states reach liminal areas of space and possess the

¹²¹ Ibid, 26.

¹²² Ibid.

¹²³ Ibid, 27.

technology to begin inhabiting a planet or moon per say, space will undergo another transformation in its construction within international groups. Because there is no permanence in space, its disputed territories are intertwined with how far countries get in experiencing and defining them, leaving the construction of space fluid and everchanging. In essence, there will always be disputed territory in space so long as it continues to be explored, making it a territory that is constructed by its constant change.

Regime and Cosmopolitan Sovereignty Theory

Outer space is not a territory in its traditional definition, it has essentially been constructed as a global commons, belonging to all, and because our society operates as a system conceived and rooted in “territorial notions of sovereignty”, there is a certain amount of self-definition with respect to outer space that is left up to the individual state¹²⁴. Regime theory asserts that states go about determining the benefit of cooperation of large issue areas, such as outer space, and by agreeing to rules and decision-making processes, they might exert their sovereignty and interests¹²⁵. In this way, regime theory is helpful in understanding how states view this territory and act within it.

With this theory in mind, how states as rational actors interact in outer space, combined with the discussed attributes of space law, and the peripheral nature as another layer of liminality on the environment, there is a dichotomy that emerges. Space is meant to be viewed as a neutral,

¹²⁴ Michael Sheehan and Natalie Bormann, *Securing Outer Space: International Relations Theory and the Politics of Space* (London, U.K.: Routledge, 2012), 11.

¹²⁵ Anu Bradford, “Regime Theory,” Columbia Law School Scholarship Archive (European Legal Studies Center | Center on Global Governance, 2007), https://scholarship.law.columbia.edu/faculty_scholarship/1970/?utm_source=scholarship.law.columbia.edu%2Ffaculty_scholarship%2F1970&utm_medium=PDF&utm_campaign=PDFCoverPages.

shared territory, yet the human-made objects, and equipment in space are essentially an extension of state's sovereign territory¹²⁶. Regimes within outer space are constructed where sovereignty can exist, in tangible bodies like technological hardware, and responsibility over these vehicles of territory in effect belongs to the state launching or utilizing them. While there is accountability for any damage done by these objects in a collision or crash type scenario, the individual objects are "subject to the launching state's domestic legislation" and once they reach space, are still treated as "objects belonging to the launching state, in a setting of neutral territory"¹²⁷.

In addition to regime theory, cosmopolitan sovereignty provides a lens to view how states, whether intentional or not, utilize the periphery status of outer space and unlink the notion of sovereignty from territory in a traditional sense, and adopting new ways to facilitate power through means that disrupt preconceptions of what territorial possession is. Outer space as a territory is not disputed in previously discussed manners like maritime zones or land because the baseline definition of what sovereignty is and exists as in the realm is wider, rooted in global community and common humanity, and is thus constructed, viewed, and acted upon in an entirely different way.

The role of countries and their self-interest is still central in this, even though the states, sovereignty, and the construction of territory seems to break down in the global legislative bodies' construction of space. These two theories are important in establishing how territory is thought of, thus acted upon differently in outer space. However, that does not mean that state intentions, especially given this environment resides on the periphery, are not consistent with the

¹²⁶ Michael Sheehan and Natalie Bormann, *Securing Outer Space: International Relations Theory and the Politics of Space* (London, U.K.: Routledge, 2012), 12.

¹²⁷ Ibid.

argument of this work. State behavior with regard to disputed territory is still deeply constructivist and based in social nuances, adheres to the ties between territorial possession and power, and illuminates true state intentions in realms far from the core of international affairs. The key difference is the environment this occurs in, outer space, and how certain conceptual frameworks that usually “precede interpretation” must be reexamined before fully engaging with the affairs of space and “wider world politics”¹²⁸.

Strength and Scrutiny of Satellites

As esoteric as all this may seem, establishing outer space as an environment in which Earth resides in, and thinking of space as an almost nested, albeit boundless, expanse in which international relations and foreign affairs may be conducted is helpful in conceptualizing the events that occur within it¹²⁹. While space exploration into the never-ending frontier seems to be the core and emphasized intention of establishing global political objectives for outer space, many of the most overlooked and peripheral debates of sovereignty in space are occurring just outside the atmosphere: satellites.

Near-Earth space is the region closest to Earth, where low-Earth orbits of technology like satellites reside. With the increased privatization of satellites by both NGOs and private companies such as SpaceX or Lockheed Martin, this area has become increasingly crowded with a new generation of low-cost, small satellites, that are used for everything from scientific research to security surveillance. Given the lack of supervision of this area which instead goes to the aforementioned outlined principles of extended and collective space exploration, an

¹²⁸ Ibid, 21.

¹²⁹ Julie Michelle Klinger, “Environmental Geopolitics and Outer Space,” *Geopolitics* 26, no. 3 (2019): pp. 666-703, <https://doi.org/10.1080/14650045.2019.1590340>, 673.

escalation of using near-Earth space via satellites as an extension of tangible territory claims on earth and in the surrounding outer space areas is of significance.

The periphery status of this area, and the lack of constructable bounds and observation outside facilitates the benefits of an underregulated and minimally monitored activity zones for countries seeking to use satellites for their own self-interest, which is frequently for surveillance and rooted in security efforts. While satellite imagery can be used to reveal large swathes of territory and sovereignty via images of regions plagued by environmental and humanitarian issues so to illustrate scale and impact to the general public, this technology can also “control information about developments in...territories, states” and “break” state-led discourses on territorial disputes due to how much information can be revealed¹³⁰.

The periphery status of a satellite and its ability to ‘reveal’ the “hidden or unknown” with regard to territory on earth empowers a certain visual activism for states and the non-governmental organizations that might use the data from this technology as a means of accountability in earthside territorial disputes¹³¹. From the periphery of space, using a vehicle for “distant observation”, states and non-state actors alike have the capacity to participate in affairs of disputed territories, and make claims on contested environments like never before, all from a non-earth viewpoint¹³².

This kind of liminal existence provides states the capacity to act in self-interest by defining the territory, and also work to reduce lengthy and potentially violent conflicts over disputed territories by utilizing the visual knowledge made available from satellite technology.

¹³⁰ Delf Rothe and David Shim, “Sensing the Ground: On the Global Politics of Satellite-Based Activism,” *Review of International Studies* 44, no. 3 (2018): pp. 414-437, <https://doi.org/10.1017/s0260210517000602>, 419.

¹³¹ *Ibid*, 421.

¹³² *Ibid*.

The communalism of space combined with the scope of perspective made available from this near-earth area and the technology used in the space fosters the prospect of earthside cooperation over territorial disputes due to the absolute clarity on earth and its various disputed environments.

However, newfound territory and a rush of state and non-state actors to lay claims and operate within such an environment echoes the colonialist and imperialist histories of humanity that never ended well. Given that space is uninhabited, the comparison is not a perfect fit, but that same scarcity mentality and ill-defined definition of a given space permitting a “first-come first-claim strategy” on satellite operations and utilization in the near-earth space may undermine what is meant to be viewed as a “shared sky”¹³³.

If space laws are not maintained for private actors and industries, the communalism of outer space territorial respect regarding various endeavors may be undermined. With the demonstrated impact and influence of near-earth orbit satellites, states and private actors alike could become increasingly inclined to utilize the environment, pushing it out of the periphery and forcing more explicit legislation prevent any conceivably harmful ground-based repercussions. The championing of space being a “collaborative and peaceful endeavor” is imperative in delegitimizing any “militarization, colonization...and tension”, and allowing actors to continue to use the periphery in a productive manner¹³⁴.

¹³³ Aparna Venkatesan et al., “The Impact of Satellite Constellations on Space as an Ancestral Global Commons,” Nature News (Nature Publishing Group, November 6, 2020), <https://www.nature.com/articles/s41550-020-01238-3>.

¹³⁴ Ibid.

The International Space Station

The ISS is the most tangible example of the cooperative and global commons outlook of space as it was conceptualized with the arrival of humans in outer space in the 1950's and 60's. As a shared vessel of scientists and astronauts from different countries across the world, even states with contentious relationships such as Russia and the United States, coexisting as emblems of human achievement and advancement. The cooperation that emerged out of the space race and through the Cold War Era combined with a limited amount of physical space in geostationary orbit forced a proximity between the competing countries, but also incentivized cordiality with the promise of shared resources in technological advancement¹³⁵.

In thinking about the ISS as a periphery territory, its distance from earth, the inhospitable nature of space surrounding, as well as the physical structure of it being a communal vessel are important to acknowledge. Given the construction of territory as a concept was formed with terrestrial environments in mind, and space's notable absence of such typical geopolitical norms, the ISS acts in a way as a more tangible if not concrete concept of territory in space. However, given the defined space laws that disrupt any individual ownership and territorial claims, the station is an example of a manmade craft or territorial body that exists only in space, and adheres to the communalist and global norms of outer space in its shared existence. It also serves as a defiance of earthside political divisions for the most part, as the constructed territory is only functional and habitable if the various nations who use it share their resources and knowledge.

The International Space Station is also a point of power in space, countries who have individuals residing in the station possess a shared responsibility when it comes to collecting

¹³⁵ Michael Byers, "Cold, Dark, and Dangerous: International Cooperation in the Arctic and Space," *Polar Record* 55, no. 1 (June 19, 2019): pp. 32-47, <https://doi.org/10.1017/s0032247419000160>, 35.

space debris, identifying potential collisions, and warning endangered satellites of impending damage from space debris. Given the back-and-forth shift of control between American and Russian space resources for ISS related launches, and cooperative launches between Russian and Western companies for commercial satellite launches, the space station and these pursuits are demonstrative of the need for state collaboration in extraterrestrial pursuits¹³⁶.

Celestial Cooperation and Conflict

Just as the International Space Station embodies the necessity of cooperation in liminal periphery environments such as space, another important element of space in international relations is fostering “complex interdependence”¹³⁷. Space and its separation from earth creates a further dimension on what an interstate territory means and operates as. The disruption of the typical confines of earth and the operational or expected norms in foreign affairs may alter states typical self-interest directed actions as seen into the periphery. This is to say that their decisions are still candidly self-serving, but the nature of space may temporarily guise those priorities in communalism for the sake of carving out legitimacy.

During the 2014 Annexation of Crimea, the outer space alliance and reliance between Russia and the United States seemed to go largely undisturbed by the sanctions occurring on earth. The complete dependence of American astronauts on Russian space shuttles at the time was likely a part of that, but even when both countries faced financial difficulties during the collapse of the Soviet Union and U.S. budget cuts in the late 90’s, the countries remained

¹³⁶ Ibid.

¹³⁷ Ibid, 41.

committed to keeping the joint space programs aloft¹³⁸. This complex interdependence and its ability for positive political growth would otherwise not exist in the confines of earthside state relations. However, as seen in other terrestrial periphery dynamics, the unstable norms and structures ensures that despite positive changes in state interests in the spirit of communality, the countries will always revert to their own individual concerns and pursuits.

The recent Russian invasion of Ukraine has prompted global tensions and reactions, notably the intense economic sanctions from across the globe, especially from the United States. This animosity has not been confined to earth, with Russia's Space Chief raising concern given how some of the sanctions were specifically aimed at the space program, and prompted a statement that the Russian space organization, Roscosmos, would rescind its technological support from the International Space Station¹³⁹.

The breakdown in the international cooperation of space not only pushes it out of the periphery, but erodes the few norms and principles established at the inception of space occupation by global powers during the Space Race. Should such a sizable emblem of this cooperation and communal nature of space be dismantled if Russia were to pull its support, it would set an uneasy precedent for the future of space exploration, and potentially lay the groundwork for a far more divided, securitized, and hostile disputed territory dynamic.

Space being an environment largely controlled, pursued, and constructed by American and Russian activity, the breakdown in this cooperation due to tensions on earth would end

¹³⁸ Bob McDonald, "The International Space Station Has Survived Disputes with Russia before. Will It This Time? | CBC Radio," CBCnews (CBC/Radio Canada, March 5, 2022), <https://www.cbc.ca/radio/quirks/space-station-russia-dispute-1.6371901>.

¹³⁹ Rebecca Heilweil, "The International Space Station Isn't Above Global Politics," Vox (Vox, March 4, 2022), <https://www.vox.com/recode/22960170/iss-international-space-station-politics-russia-ukraine-war>.

nearly three decades of teamwork through certainly trying times. This power dynamic between the two countries, and the complex interdependence of NASA on Roscosmos and vice versa so to keep the ISS operational means that in order to keep the shared technology, advancement, and resources, the two countries would have to continue getting along. A “waning commitment” from one or both of the countries could spell an individualistic space exploration environment, one that either goes further into the periphery given the necessity of secrecy and leverage or require that international bodies create more defining legislation and regulation to curb any confrontational escalations¹⁴⁰.

Moon Shot

Beyond the International Space Station, the Moon is the only other celestial body which humans have physically set foot on, the key difference with the Moon being it is not human made. It’s been many years since man has last walked on the surface of the Moon, but it has once again started to garner attention in the international community with NASA’s Artemis Program, and the signing of the Artemis Accords, an agreement aimed at “facilitation international collaboration on sustainable human exploration projects”, specifically regarding a human return to the Moon by 2024¹⁴¹. These accords have drawn criticism from some, implying that they favor American objectives and potentially allow for deviation from the Outer Space Treaty in permitting claiming ownership over space resources¹⁴².

¹⁴⁰ Ibid.

¹⁴¹ Rossana Deplano, “The Artemis Accords: Evolution or Revolution in International Space Law?,” *International and Comparative Law Quarterly*, 2021, pp. 1-21, <https://doi.org/10.1017/s0020589321000142>, 799.

¹⁴² Ibid, 800.

The Artemis Accords are demonstrative of the challenges in constructing and operating within space to begin with, but also on a tangible body like the Moon. In outlining how states will operate on the Moon in years to come, the Accords in comparison with the Space Treaty furthers how when there are little defining legal constructions in a periphery and disputed territory, states will act in their own self-interest, often openly. A specific example of this would be in Section 10, paragraph 2 of the Accords, where the interpretation of the Space Treaty's section on non-appropriation of celestial bodies is reconstructed: the extraction of space resources is explicitly redefined as an act that is not a constitution of national appropriation¹⁴³.

In establishing that the extraction of space resources does not inherently constitute national appropriations, the Artemis Accords are not an immediate change to how space and ownership is viewed, and it is not a comprehensive breakdown of the Space Treaty. It does however demonstrate an active move, in the periphery given the small number of states that have signed and the minimal coverage, for countries seeking to establish ownership and status in outer space, with regard to occupiable bodies like the Moon.

The Moon, and any further celestial bodies that humans reach face the challenging task of existing as communal territory and property, under the guise of exploration. But measure of power and achievement in space for countries is expanding beyond just exploration. The opportunity to discover and utilize available resources as well as the conceptualization of what norms in such a liminal environment might exist is a lofty yet advantageous task essentially given to the state that gets there first.

This balancing act between communality and making use of planets and moons manifests as a "loophole", and combined with possessing a periphery status, outer space is a burgeoning

¹⁴³ Ibid, 805.

environment for land-grab type scenarios and prospecting for valuable resources that is echoic of the gold rush or the age of imperialism¹⁴⁴. The only conceivable place for future disputes of space and space materials to be resolved would be earth, a distant arena and lacking in tangible reach and impact given the perceived steadfast communalism of space and necessity to build a global authoritative yet observational body that encapsulates these principles.

The vastness and periphery nature of space can conceal the fact that feasibly reachable celestial environments for economic activity are limited, which will drive the competition between those aspiring to establish a presence and power in the cosmos. With the growth in private companies only serving to muddle the construction of norms and rules for state and non-state actors to follow in this realm, the Moon is the closest and already most complex periphery environment for interested parties to navigate.

Life on Mars?

Perhaps even more compelling and liminal than the Moon is Mars. As a planet with promise for not just resource extraction but as an environment to explore, better understand our planet's origin, and even a place to inhabit and build on given the questionable trajectory of Earth with climate change, it is truly a frontier environment awaiting the arrival of humanity. Mars currently exemplifies how communalism in space works, with robotic reconnaissance and surface exploration, it is an environment primarily utilized for scientific research and understanding how life once existed on the red planet. However, this characterization is likely ephemeral given the promise such a territory holds.

¹⁴⁴ Rebecca Boyle, "A Tricky Way to Claim Land on the Moon," *The Atlantic* (Atlantic Media Company, August 15, 2016), <https://www.theatlantic.com/science/archive/2016/08/a-tricky-way-to-claim-land-on-the-moon/495578/>.

Due to its similarity to Earth, Mars is constructed as the closest area where human life might be sustained and grown in the future, and even with the technological challenges to overcome in achieving that, the prospect of a permanent human residence on different planet is becoming less esoteric¹⁴⁵. Just like the rest of outer space, a human occupation of Mars will require global coordination to adhere to the pre-existing space laws, as well as the engagement of more nations in space exploration itself¹⁴⁶. The provision of such a challenging but necessarily shared and peaceful activity as the individual states' actions continue to define what occurs on Mars is integral to preventing the potential conflict at the opportunity for valuable new territory.

China landed its first rover on Mars in early 2021, making it the third nation behind Russia and the United States to have technology on the actual ground of the planet. The United Arab Emirates successfully got a satellite into Mars' orbit and European Space Agency has plans to send their own in the near future¹⁴⁷. As the red planet receives more and more technology from a growing number of countries as an extension of their presence, it will undoubtedly foster a shift in how Mars is defined as a territory, and how the periphery impacts state actions. The sharing of scientific information in the context of better understanding the planetary origins of earth and space itself is one thing, but the discovery of valuable resources, or tools that might help one country begin to establish a more permanent presence on the planet and sustain life could begin to disrupt the careful peace that exists currently.

¹⁴⁵ Ulrike Landfester, *Humans in Outer Space: Interdisciplinary Perspectives* (Wien, Austria: Springer, 2011), 277.

¹⁴⁶ Ibid.

¹⁴⁷ Kenneth Chang, "NASA Isn't the Only Space Program Celebrating a Year at Mars," *The New York Times* (The New York Times, February 15, 2022), <https://www.nytimes.com/2022/02/15/science/mars-china-emirates.html>.

The vested interest of countries to actually get to Mars was only the initial portion of the endeavor. Just like the Moon, the promise of actually inhabiting or reaping lucrative benefits from a celestial body was once a far-fetched idea, thus the absence of comprehensive legislation for space and the necessity for it going forward. As more states join this pursuit, it could push Mars out of the periphery and into becoming an emblem for what a more legislatively defined celestial body looks like, or it may further how the periphery shrouds state actions from the global community's attention, allowing them to act with their truest intentions and self-interest.

Either way, future state endeavors around and on planets will redefine how outer space as a disputed territory is viewed and acted upon, and the question of territorial ownership over resources and even swathes of land on these celestial bodies is not hypothetical, it is inevitable. If legislative bodies are not formed for this eventuality in human discovery, or legislation itself is not created by the preexisting powers at be, Mars is poised to become a disputed territory where imperialist history of conflict and strife might repeat itself. A burgeoning tangible frontier of space exists for both countries and private actors alike to define, utilize for their own benefit, and fight over.

Per Aspera Ad Astra

To look at space and all its contents through the lens of geopolitics is not a means of synthesizing it down to just what political actors and various countries have discovered or hope to discover in the near future. Understanding space is to comprehend a complex but highly informative case study on disputed territory and the impact of periphery existence on state actions. Outer space has the capacity to tell the careful observer much about state actors and their

intentions for the future both on Earth and off it, given the liminal environment and vaguely defined legislation currently surrounding much of space activity.

As with previous examples of disputed territories, a communality amongst states for the sake of mutual gain and progression in utilizing the resources of a given realm is a frequent occurrence in the periphery and space is no exception. Countries operate differently in the periphery, and especially in space, out of necessity and to maintain the benefits that a periphery status, both logistically and theoretically, affords. The lack of careful observation and legislative constructions provides states the ability to define the environment for themselves, and with the endless expanse of space, the opportunities are limitless.

Space, planets, moons, and anything else residing outside Earth's atmosphere technically belongs to all, it is a territory defined by its openness and existence built on cooperation. Thus, the idea of disputing the contents of space, like valuable resources on Mars or technological assets and control on the International Space Station, disrupts the coexistence that prescribes periphery benefits. Outer space entering the center of international discourse and affairs is not a hypothetical, it is an eventuality, but how it exists in that dialogue depends on what elevates it to such a prominence.

There is no feasible way for a state to claim an entire planet or moon or any amount of space as its own, at least not in an imaginable way given the current and conceivable future technologies. Thus, to an extent, there will always be a mutual collaboration needed in space given the immense challenge of human existence outside of Earth. The benefit of space is the liminality that it exists in now, which bolsters the lack of detailed and defined legislation that exists for maritime zones as a comparison; space and its contents have the capacity to be used by all who can reach, and thereby can benefit all humankind back on earth. Whether countries

choose to go about their space endeavors in such a benevolent way, especially given the promise of economic gain and such an extension of power that completely undefined territory has, there is not a resounding answer.

Space should not be overlooked because of its distance, limited amount of states currently operating in the realm, or the ill-defined nature of the periphery environment. It is an immensely valuable observational realm for states acting so differently than they might on earth, or in the core of international political attention. There is not a precise prediction regarding what countries, state actors, and non-state bodies can and will accomplish in such a liminal territory, and how outer space and all its celestial bodies will evolve in their perception and definition over time, thus, there is much to still be learned from how we navigate our presence in the cosmos.

Conclusion

This thesis started with a reference to the connection between territory and comfort, understanding the varied environments in our world and just outside it within the confines of clear-cut territorial belonging and ownership, which allows us to view everything in a neatly ordered fashion. Disputed territory prompts fissures in that vision, and the impact of the periphery on those regions disrupts any preconceptions of state behavior, objectives, and existences within these realms. The liminality of the periphery and its effect on disputed territories facilitates a microcosm of state interaction, a viewpoint from which true political, economic, and social intentions are visible, and can be used to better predict what those same countries will do in the global core.

Through examining case studies in a variety of domains, this theory not only holds true, but shows how crucial the periphery is in prompting such unique state behavior. The dynamic of accessible state action in self-interest, yet the maintenance of adversarial cooperation that the periphery asks of countries is a significant but seemingly contradictory compromise. Alas the liminality aspect of these disputed territories is that this circumstance in its entirety is only observable for as long as states follow the theoretical ground rules of the arrangement. These disputed territories are constructed by the periphery and the necessary state actions that sustain it, which are in turn incentivized by the geopolitical and strategic benefits that exist in these environments. This interaction and blend of forces and factors that comprises the periphery is part of what makes it all so challenging for international legislative bodies to see and operate within, and that in itself demonstrates why this is immensely valuable to study.

Across the chapters and examples of this work, there are some integral conclusions to be drawn about the merit of this argument and importance in considering it within further research of geopolitical and peripheral affairs.

First, the belief that all disputed territories worth studying and analyzing are already mapped, covered extensively, or readily visible must be suspended. An active pursuit into the seemingly obscure or esoteric disputed territories that reside in the periphery can offer unparalleled insight. Second, the periphery affordance of self-interest outside the confines of international norms and laws with the caveat of inimical cooperation to sustain the liminality of the environment can reveal far more about what states are actually planning to do in the global core, especially helping to predict the future intentions of countries more accurately. Last, disputed territory in the periphery does not always look like the traditional conception of a territorial dispute, because the periphery cannot be sustained when there is conflict.

Territory is a mosaic of history, emotion, power, politics, and identity. In environments as familiar as land and as recondite as the cosmos, we will continue to evolve, reconstruct, and dispute the conception of territory and human possession over it indefinitely. It is an advantageous and worthwhile pursuit to observe and learn from state interactions in these situations, but the expanse of it all can be daunting. Thus, the periphery acts as an observation point with specific barriers to entry, an array of states to study, and a liminal existence that provides a feasible breadth of disputed territories; all components that help to foster sagacious geopolitical foreign policy.

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